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TRUE STATE
OF THE
PROCEEDINGS
OF THE

Prisoners in the *Fleet-Prison*,

In ORDER to

The Redressing their GRIEVANCES,
Before the Court of COMMON-PLEAS.

Impartially Collected, and Publish'd as a KEY for the more clear
Apprehension of some Part of the late Glorious and Memorable
REPORT in PARLIAMENT,

By JOHN MACKAY, *Sen.*

Most Humbly DEDICATED to the
HONOURABLE the COMMITTEE
OF THE
HOUSE of COMMONS,
For inspecting into the State of the GOALS of this Kingdom.

Contraria Juxta se opposita Magis clucescunt.

WESTMINSTER:

Printed by A. CAMPBELL; and Sold by the Booksellers of London
and Westminster. MDCCXXIX.

A
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Before the Court of COMMON-PLEAS.

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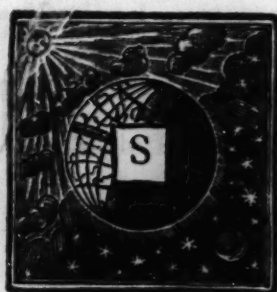
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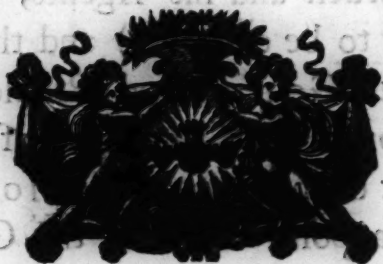
TO THE
HONOURABLE the COMMITTEE
OF THE
HOUSE of COMMONS,
For inspecting into the State of the GOALS *of this*
KINGDOM.



SINCE the Cruel Usages of the *Fleet-Prisoners* (which, under the Administration of Mr. *Huggins*, the late Warden and his Agents, were arrived to a Height not to be exceeded) and the Concurrence of our Gracious God's Good Providence, hath drawn down upon us the Compassion of the *Legislature* in General, and particularly That of the Honourable HOUSE OF COMMONS, who have Thought fit to appoint You as the Glorious Instruments of our Deliverance: We have already found such Benefit, that *Tyranny* hath forsaken us, and *Oppression* dare not shew its Countenance; *Extortions* are shut out of our Gates, and *Mercy* and *Christianity* begin to shine with Lustre amongst us: We therefore, with uplifted Hands and Hearts, adore the Goodness of our Great Creator; and return our most humble and dutiful Thanks to the *Legislature* in General, and to You in Particular, for the surprizing Generosity and indefatigable Pains, by which You have effected That, in sixteen Days Time, *Gratis*, which all our Cries and Endeavours, for many Years in the Court of Justice, could not obtain, altho' attended with a great Expence, altogether disproportionate to our Circumstances, as will appear by the Perusal of the following Sheets, for which we humbly implore YOUR PATRONAGE, and

and Publish as a Monument of **YOUR** unbounded Charity, as well as Eternal Honour and Glory. We cannot but with grateful Hearts Remember the Compassion of the late Lord Chief Justice **KING**, (now Lord Chancellor) and had not Providence called Him to that elevated Station he now Possesses, with so much Honour to himself, and Benefit to the Nation, we might probably have been redressed; but since this great Work has been reserved for the *Legislature*, and that our late and present Warden, have so contemptuously treated, and broke thro' all **RULES** and **ORDERS** of Court; which fail'd to set any Bounds to their Tyranny and Exactions.

We humbly hope, some wholesome Law will be considered on for the Future, effectually to restrain such Inhumanities and Extortions; and that **YOU GENTLEMEN**, who have been Eye-Witnesses of our Miseries, will use **YOUR** utmost Influence and Endeavours for that Purpose, and thereby Compleat the Glorious Work **YOU** have so happily begun, which will Entail on **YOURSELVES** and **POSTERITY**, Eternal Blessings.



This Conduct of the Warden, the Petitioners humbly conceive to be very unreasonable and oppressive for it a Prisoner finds a proper Security, the Warden is sufficiently indemnified, and the Attendance of a Keeper unnecessary; or if a Keeper must accompany a Prisoner, any other Security seems unreasonable.

II. By an Act of the 8th and 9th of King WILLIAM, no Prisoner or Prisoners shall pay, or be compellable to pay any Chamber-Rent for any Chamber within the Prison of the Fleet, for any longer Time than the or they are actually in Possession of the said Chamber or Chambers; and that such Prisoner, or Prisoners, shall not pay above the Rent of a Room and 6d. per Week, for any such Chamber; the Warden taking or demanding any greater Sum, shall in such Case, for every such Offence, forfeit the Sum of twenty Pounds. Notwithstanding which, if of any Prisoner, or Prisoners, the Warden does demand, and receive a Sum of 10s. of every Person in Possession of any Chamber, and 7s. a Week for a Chamber of several others; and if two or more Persons are in Possession of the same Chamber, demands the Sum of 2s. and 10d. of each Person.

III. Many Rooms in the Prison are full of Number, and many Persons not Prisoners are in Possession of Chambers, whereby several Prisoners live under great Difficulties and Inconveniences. IV. The Rooms of the Prison are in a very bad Condition, and the Prisoners are in want of Chairs, or other Conveniences, the Bedding not sufficient for keeping the Persons warm. V. The Dining-Gallery, necessary-Hall, and other Parts of the Prison, are in want of cleaning, whereby the Health of the Prisoners is much endangered.

VI. By an Act and 2d of Great Britain, Chap. 20. It is enacted that a Table of Fees shall be hung up in every Prison; and the Fees payable to the Warden of the Fleet are now not hung up in this Prison, and the Prisoners are obliged to pay the same, as if they were demanded, and taken by Force.

From the Year 1723, to Easter Term 1727.

THE Prisoners in the Fleet Prison, in the Year 1723, petitioned the then Lord Chief Justice King, and others the Justices of the Court of Common-Pleas, for Relief; and at the same Time exhibited their Complaints, as follows.

To the Right Honourable Sir PETER KING, Knight, Lord Chief Justice of the Court of Common-Pleas, and to the rest of the Justices of that Court;

The Humble Petition of the Prisoners, confined for Debt in the Fleet Prison;
Sheweth,

THAT your Petitioners, under the Misfortune of their Confinement, have suffer'd many unjust Impositions from the Warden of the Fleet, and have been refused several Privileges, to which they apprehend themselves justly entitl'd.

That your Petitioners being sensible of the Tenderness your Lordships have always discovered for the unhappy Debtors in this Place, and how inclineable this Honourable Court is to relieve your Petitioners from all illegal Oppressions, are encouraged to lay before your Lordships the several Grievances, which they suffer from the Warden and other Officers of this Prison; and to that End your Petitioners have drawn up a Particular of the Impositions they complain of, and the Regulations they desire, in a Schedule annexed to the Petition, and to which they humbly refer.

Your Petitioners, therefore, with all Humility and Submission, crave Leave to appeal to your Lordships Justice for a speedy Redress in the Premises.

And your Petitioners, as in Duty bound, shall ever pray, &c.

A SCHEDULE of the Particulars, wherein the Petitioners apprehended themselves to be aggrieved.

Whereas, this Honourable Court has been pleased to indulge the Prisoners in the Fleet, with a Day-Rule in Term-Time, to enable them to dispatch their necessary Affairs abroad: The Warden has endeavoured to render this Favour of the Court ineffectual to most of the Prisoners in Confinement, by the Difficulties and Expence he Occasions in obtaining such a Day Rule, for he not only Demands very great and unreasonable Security from Prisoners, and insists on the Sum of Five Shillings for his Servants enquiring into the Sufficiency of that Security, but also compels them to bear an additional Charge of Five Shillings for a Keeper's Attendance on such Prisoners, besides other Expences on that Occasion.

This Conduct of the Warden, the Petitioners humbly conceive to be very unreasonable and oppressive, for if a Prisoner finds a proper Security, the Warden is sufficiently indemnified, and the Attendance of a Keeper unnecessary; or if a Keeper must accompany a Prisoner, any other Security seems unreasonable

II. By an Act of the 8th and 9th of King WILLIAM, no Prisoner or Prisoners shall pay, or be compellable to pay any Chamber-Rent for any Chamber within the Prison of the Fleet for any longer Time than he or they are actually in Possession of the said Chamber or Chambers; and that such Prisoner, or Prisoners, shall not pay above the Rent of 2 s. and 6 d. per Week, for any such Chamber; the Warden taking or demanding any greater Sum, shall in such Case, for every such Offence, forfeit the Sum of Twenty Pounds.

Notwithstanding which Act of Parliament the Warden does demand and receive 2 s. and 10 d. of every Person in Possession of any Chamber, and 5 s. a Week for a Chamber of several others, and if two or more Persons are in Possession of the same Chamber, demands the Sum of 2 s. and 10 d. of each Person.

III. Many Rooms in the Prison are full of Lumber, and many Persons not Prisoners are in Possession of Chambers, whereby several Prisoners lye under great Difficulties and Inconveniencies for Lodging.

IV. The Furniture of the Rooms is in a very bad Condition, many of them without Tables, Chairs, or other Conveniencies, the Bedding not sufficient for keeping the Persons warm.

V. The Drains, Gutters, Necessary-Houses out of repair, and in want of cleansing, whereby the Health of the Prisoners is much endanger'd.

VI. By an Act 22d and 23d of *Caroli Secundi*, Chap. 20. It is enacted that a Table of Fees shall be hung up in every Prison; but the Fees payable to the Warden of the Fleet are not hung up in this Prison, tho' that has been frequently desired, and we apprehend the Fees now demanded, and taken by the Warden of the Fleet, exceeded the Fees allow'd to him by Law.

Fees due to the Warden of the Fleet, &c. as by a List thereof delivered to the House of Commons, pursuant to an Order of that House, made 14th November 1693.

The Fees taken by the Warden.

	l.	s.	d.		l.	s.	d.
For Liberty of the House and Irons } at First coming in	02	04	4		01	06	8
Chaplain	00	02	0		00	00	0
Entering the Name and Cause	00	00	0		00	00	4
Porter's Fee	00	00	0		00	00	0
Chamberlain's Fee	00	03	0		00	01	0
At First coming in	02	10	4		01	09	0
The Dismission Fee: This the War- } den demands for every Action	00	12	6		00	07	4
Turn-Key's Dismission	00	02	6		00	00	0
	03	05	4		01	16	4

It is to be remember'd, that in the List of Fees deliver'd to the House of Commons, whilst the Warden kept an Ordinary in this House, there was due to him for the first Week's Commons 16 s. 4 d. but as no Commons are now kept, it is presumed no Fee is due for such Commons.

VII. The Warden's Clerk demands one Shilling for a Copy of Causes, and 2 s. 6 d. for a Certificate, neither of which is mention'd in the Table of Fees deliver'd to the House of Commons.

VIII. The Warden's Clerk refuses to deliver any Declaration to a Prisoner without being paid one Shilling for Delivery thereof, whereby Judgment is often obtain'd thro' the Prisoners Inability to pay the same.

IX. Upon a Prisoner's being remov'd from the Prison of the Fleet, to the Prison of the King's-Bench; or from the King's-Bench Prison to the Fleet, the Marshall and Warden demand a fresh Commitment-Fee for every Removal, which 'tis believ'd they are not entitl'd to.

X. By an Act the 22d and 23d of *Carolus II*, An Account of all Gifts, and Bequests to every Prison, shall be hung up in such Prison: But no Account thereof is to be seen here, and 'tis hoped your Lordships, who are by the said Act, among others empower'd to find out all Gifts and Bequests for the Benefit of poor Prisoners for Debt, will exert your Authority, and in Consideration to the unhappy Debtors confin'd in this Prison, procure for your Petitioners what the Compassion of well disposed Christians design'd for our Assistance; And that no Person, by Virtue of Colour of Office, be able to defraud us, and take to themselves the Benefit thereof.

XI. And lastly, that for the better suppressing Prophaneness and Immorality among us, and that the Misery of Impisonment may in some measure be alleviated by the Observance of good Manners, Cleanliness and Quietitude, we humbly pray your Lordships would enable us to regulate our selves in such Manner as the Prisoners in the King's-Bench are empower'd to do by a Rule of that Court,

20 Die post festum Sancta Trinitatis II ANNE.

The INVENTORY of the FURNITURE to which the subsequent Report refers.

Mr. Alsough's Room, All the Furniture there not worth more than	02 : 00 : 0	Mr. Pullen's Room, A Bedstead, Feather Bed, a Blanket Rugg, an old Cupboard, two Chairs and a Grate and Table	01 : 16 : 0
Mr. Durstan's Room, All the Furniture there not worth more than	01 : 15 : 0	Mr. Jenkins's Room, An old Bed, a Blanket, a Bed and Bolster	01 : 02 : 0
Dr. Lee's Room, All the Furniture there, not worth more than	02 : 05 : 0	Mrs. Warren's Room, An old Table Bedstead, a Feather Bed, Rugg, and Blanket, and Iron Bars	01 : 00 : 0
Capt. Paterson's Room, All the Furniture there, being Hangings, Feather Bed, Bedstead, Table and Iron Bars, not worth more than	02 : 15 : 0	Mr. Dean's Room, A Bedstead and Curtain, &c.	01 : 15 : 0
Mr. Calchlave's Room, A Bedstead and Curtains, Maitresses, Feather Bed and Bolster, Table Bars and 3 Chairs.	01 : 05 : 0	Mr. Mobray's Room, Old Hangings and Iron Bars	00 : 12 : 0
Mr. Etheridge's Room, A Feather Bed, Bolster, Bedstead and Curtains, one Chair, a Stool and Table, and Iron Bars.	02 : 05 : 6	Sir Alexander's Room, A Bedstead, Feather Bed, Quilt, Blanket, two Chairs, a Grate, &c.	02 : 15 : 0
Mr. Doyly's Room, A Table and Iron Bars	00 : 02 : 8	Capt. Eastland's Room, A Bedstead, Feather Bed, Rugg and Bed, and two Chairs	02 : 00 : 0
Mr. Clemour's Room, Two Feather Beds and a Flock Bed, two Coverlids, a Table, old Chairs and Iron Bars	00 : 00 : 0	Mr. Baker's Room, An old Bed and one Chair with Iron Bars, with a Press or two	01 : 00 : 0
Mrs. Powell's Room, All the Furniture her own		Mr. Prestland's Room, Two old Tables, a Bedstead and Curtains, an old Bolster, and Feather Bed, three Chairs, Grate, two Pillows, and old Hangings	02 : 05 : 0
Mr. Relf's Room, Two Blankets, a Bolster, a Table, a Stove, and Feather Bed	01 : 00 : 0	Mr. Wyndham's Room, A Bedstead, old Feather Bed, a Rugg and torn Blanket, Iron Bars, four Chairs and a Table	01 : 05 : 0
Mr. Brailesford's Room, A Bedstead, Feather Bed, two Blankets, Quilt, two Tables, Grate, Shovel and Tongs	03 : 00 : 0	Mr. Bond's Room, A Bedstead, Coverlid and Curtains an old Chair and Iron Bars	00 : 12 : 00
Mrs. Bird's Room, The Furniture her own		Mr. Powers's Room, A Bedstead, Feather Bed, Bolster, two Blankets, a Rugg, three Chairs, one Table, the Iron Bars.	02 : 00 : 0
Mr. Curach's Room, The Furniture his own			
Mrs. Fooms, The Furniture her own			
Mrs. Shaw's Room, A Table, Chair, Grate, Bedstead, half a Blanket, a Rug, a Piece of a Feather Bed	01 : 00 : 0		

Total 35 : 10 : 0

To this Petition and Complaints of the Prisoners, Mr. Huggins the then Warden gave in his Answer, and the Prisoners immediately replied, as follows,

To the Right Honourable Sir PETER KING, Knight, Lord Chief Justice of the Court of Common Pleas, and to the Rest of the Justices of that Court,

The Answer of John Huggins, Esq, Warden of his Majesty's Prison of the Fleet, to the Complaints signed by three of the Prisoners of the said Prison on the Masters Side.

Humbly Sheweth,

THAT it hath been always usual for the Prisoners first to make their Complaint to the Warden, of any Misbehaviour of his Officers, or of any Defects in the Prison, before they troubled your Lordships; which those Persons have not done, the greatest Part of their Complaints being entirely new to the Warden, which he answers Paragraph by Paragraph.

To the First, The Warden of the Fleet saith, that this Honourable Court doth indulge Prisoners in the Fleet with Day-Rules in Term Time, to transact their Affairs, but saith, that at all Times whenever Application has been made to the Court, the Judges have directed the Prisoners to make the Warden safe against any Escape they may commit, and to give him Security for that Purpose.

He denies he insists, or ever did upon unreasonable Security for a Prisoner to go out on a Day-Rule, but only desires to be made secure against any Escape that may be committed by such Prisoners going out, he having often been put to great Expence in retaking the Prisoners that have escaped

caped from Messengers they were entrusted with on Day-Rules; and never takes any Money, or makes Bargains for the Messenger's going out with the Prisoners; but such Prisoners going out pay such Waiter what he agrees for.

Also, when the Warden takes Security for a Prisoner's going out, 'tis only a Note under their Hands, that the Prisoner shall return at Night with the said Messenger, for which Note they pay nothing; and as the Clerk takes 5 Shillings for his Enquiry after his Security, he only takes it once for as long as that Security will stand, and the Warden knows of no other Expence.

To the *Second*, The Warden saith that he doth not, or ever did take or receive, or any one for him, any Chamber Rent for or of any Prisoner or Prisoners, who was or were not actually in such Chamber or Chambers, and for no longer Time than the said Prisoner or Prisoners lived there; and that there is no more received by, or from him, than 2 s. 6 d. per Week of each Prisoner, if he or the furnished the Chamber; and if the Warden furnished, then 2 s. 6 d. per Week more for the Use of such Furniture, which they always agree to pay; and if two Prisoners lye in a Chamber furnish'd by the Warden, then he takes 2 s. 6 d. per Week of each, viz. 2 s. 6 d. per Week for the Chamber, and 2 s. 6 d. per Week for the Furniture, which has always been taken by former Wardens; and also each Prisoner is charged by Rule of this Honourable Court, as well as the High Court of Chancery and Court of Exchequer, with 4 d. per Week for the Minister, which makes the Sum 2 s. 10 d. per Week complain'd of.

To the *Third*, The Warden says, the Rooms complain'd of to be us'd as Lumber-Rooms, are Rooms allotted the Chamberlain to use as Store-Rooms, to lay up the Warden's Goods and Furniture, necessary for the Use of the said Prisoners.

And denies that any Person is in Possession of any Chamber in the *Fleet*, to his Knowledge or with his Consent, but who are Prisoners.

To the *Fourth*, The Warden saith, if the Furniture is not sufficient and as usual, 'tis contrary to his Knowledge; but the Prisoners so break, tear to Pieces and burn his Goods, that he is obliged to be continually furnishing some or other of the Rooms.

To the *Fifth*, The Warden saith, the Drains and Gutters were all cleansed, and necessary Houses repaired very lately at his great Expence, and the common Layfall of the Prison is, so often as full emptied; so that if any Inconvenience arises by Dirt or Filth in the said Prison, it is by the Prisoners throwing the Filth and Dirt into the said Gutters out of their Windows, and not carrying it to the proper Layfall as they ought to do, altho' the Warden's Officers frequently request and order them so to do.

To the *Sixth*, The Warden saith, That so soon as the Fees were settled by this Honourable Court, he caused a Copy thereof to be framed and hung up in the Common Hall of the House, signed by Sir GEORGE COOK; also a Copy of the Rules and Orders of the House, which said Copies the Prisoners were pleased to burn, tear to Pieces, and obliterate; and the Warden denies he has taken or receiv'd, or any for him to his Knowledge more or greater Fees than were contain'd in the said Copy of Feeshing up in the said Prison.

To the *Seventh and Eighth*, The Warden humbly hopes, that if his Clerk of the Papers takes or receives more Fees of the Prisoners than allow'd by the Court, he may be answerable for it, and not the Warden for him, the Warden not knowing what Fees he demands and receives.

To the *Ninth*, The Warden hopes he is intitled to demand and receive from each Prisoner to him committed, a Commitment Fee so soon as they shall be fresh committed to his Custody, let such Prisoner come from the *King's-Bench* or elsewhere.

To the *Tenth*, The Warden saith, it has ever been, and still is customary for the Prisoners of the Common Side, who are entitled to the Charity given to the said Prison, to nominate to the Warden a fit Person to be Steward, and the Warden approving of such Person, appoints him Steward accordingly, and the said Steward so nominated and appointed, collects and gathers all such Gifts and Bequests as are from time to time given to the said Prison for the Relief of the Common Side Prisoners therein; and the said Common Side Prisoners also make Choice of four Persons from amongst themselves, which are called Assistants to the said Steward, which said Assistants inspect his Accounts and Books of the Bequests as often as they think fit, so that no Officer under the Warden meddles therewith, under any Pretence of Office, or can any ways defraud them by Colour whereof; and the Warden also saith, that there never was in any former Warden's Time to his Knowledge and Belief, any Account hung up in the said Prison of such Gifts and Bequests as are give to the said Prisoners, the Prisoners at all Times having Liberty to inspect the Books of the said Steward, but your Petitioners being Prisoners on the Master Side, have nothing to do therewith.

To the *Eleventh*, The Warden saith, that the Prisoners in general are so very ungovernable, that they have tore up the Trees round the Bowling-Green, and cut down several of the Trees in the back Part of the Prison, set by the Warden some Years since; for the better Accommodation of the Prisoners; also broke down the Stocks in the said Prison, and the Houses of Ease were fitted up lately by the Warden, they have torn it almost to Pieces, and committed other Outrages, and most of them, altho' two Years in Arrears of Rent to the Warden, refuse to pay him any Part thereof, and will by Force and in Defiance of the Warden and his Officers, keep in Possession of the Rooms and Furnitures, Swearing to stand by each other.

'Tis very observable, that by their own setting forth, the House is full of Prisoners; and yet only three have Signed the Complaint, which three desire to have the Government of the whole House.

9th June, 1724.

JOHN HUGGINS.

Upon this Answer of Mr. Huggins's, the Prisoners pressing to be heard before the Judges, Mr. Huggins came down to the Prison; and solemnly promised them, that he would Redress all the Grievances complained on out of Hand, without any farther Application to the Court; and having thus imposed on their Credulity for the Present, by this Means stopp'd their further Application for Redress; but when he had averted the Storm, he forgot his Promise, and instead of redressing old Grievances, proceeded to new Extortions and Violence; this produced, some Months afterwards, a Second Petition to my Lord Chief Justice KING, and the Court, from the Prisoners in the Prison, as follows:

To the Right Honourable Sir PETER KING, Knight, Lord Chief Justice of the Court of Common-Pleas and to the Rest of the Justices of that Court.

The humble Petition of the Prisoners confined for Debt, in his Majesty's Prison of the Fleet.

Sheweth,

THAT your Petitioners some Months past made their humble Application to your Lordship, for a Redress of several Grievances and Oppressions they suffer from the Warden of this Prison, and his Officers; and your Lordships were pleased to consider your Petitioners Complaints with that Candour and Equity, that always attends your Lordships Dispositions of Justice.

That the Warden thereupon delivered in a Paper, which he call'd, *An Answer to your Petitioners Complaints*; to which your Petitioners made an immediate Reply, and fully intended to appeal to your Lordships Decision.

That before this could be effected, the Warden came to the Fleet, sent for your Petitioners, made an Apology for the Injuries they had suffered, and desired your Petitioners to forbear the Prosecution of their Complaints before your Lordships, promising to give them all imaginable Satisfaction and Redress.

That your Petitioners depending upon the Warden's Integrity, forbore to give your Lordships any farther Trouble: But from that Time your Petitioners heard no more from him, and at last found he had imposed upon their Credulity to gain Time.

That your Petitioners are so far from having any one Grievance they formerly complained of redressed, that they have been treated by the Warden, and his Officers, with greater Severity than ever, since their Application to your Lordships.

That the Warden, in particular, has removed several Prisoners from the Fleet to other Prisons, without the Knowledge of their Plaintiffs; superseded others against their Consent; and afterwards sent them to the Compter, or some wretched Spunging-House, at his own Suit for his Fees, and daily Threatens to remove to some other Goals, all such of your Petitioners as have discovered any Resolution to procure your Lordships Protection.

That the Warden's Watchman hath lately taken the Liberty to strike and abuse several of the Prisoners, and has even presumed to assault others with his Penknife; and tho' your Petitioners have represented this to the Warden, he returns no Answer, nor takes any Method to suppress such barbarous Proceedings.

Your Petitioners therefore most humbly implore your Lordships once more to take their unhappy Case into Consideration, that they may no longer have the illegal Severities and Oppressions of the Warden, and his Officers, added to the Misfortunes they already suffer from their Imprisonments.

And your Petitioners (as in Duty bound) shall ever pray, &c.

Alexander Anstruther.

Samuel Humphreys.

Alex. Ascough.

Rup. Eastland.

M. Wilson.

Thomas Brallesford.

Thomas Deane.

Francis Werberland.

Joseph King.

R. Oathlove.

Daniel Woodcock.

Thomas Paine.

John Beat

O. Reud.

John Robinson.

John Berden.

George Symmer.

William Coeland.

Thomas Bray.

Gerstham Flowerza.

Thomas Kirkpatrick.

Upon the Back of this Petition, Mr. James Cavenagh preferred another, on the Behalf of himself, and others, Prisoners in the Rules, who had been maltreated; and at the same Time exhibited their respective Complaints.

To the Right Honourable Sir PETER KING, Lord Chief Justice of the Court of *Common-Pleas*, and to the Rest of the Judges of that Court.
The Humble Petition of James Cayenaugh, Esq; for himself, and other the Persons that are Prisoners within the Liberty of the Rules of the Fleet Prison.

Sheweth,

THAT your Petitioners have suffer'd several Hardships and Grievances under the present Administration of Mr. *Thomas Guybon*, who Officiates as Deputy Warden to *John Huggins, Esq;* Warden of the said Prison.

Your Petitioners therefore most humbly pray, that your Lordships will be pleased to refer their Hardships and Grievances, to the Examination of the Prothonotaries of this Honourable Court, for them to report to your Lordships their Case, in order that your Petitioners may be relieved from the several Grievances they have, and do labour under from the said *Thomas Guybon*, and the Officers under him.

And your Petitioners, as in Duty bound, shall ever pray.

JAMES CAVENAUGH.

Articles of Complaint exhibited against *John Huggins, Esq;* now Warden of the *Fleet Prison*, Mr. *Thomas Guybon*, his Deputy, and other inferior Officers of the said Prison, by the several Persons hereafter mentioned.

Humbly offered to the Consideration of the Prothonotaries of the Court of *Common-Pleas*, for their Examination, and to report to the Right Honourable Sir Peter King, Knight, Lord Chief Justice of the said Court of *Common-Pleas*, and to the Rest of the Judges thereof.

David Dunbar complains, in behalf of himself, and the rest of the Prisoners within the Rules of the said Prison, that Mr. *Huggins* Farms the Office or Employment of Warden to *Thomas Guybon*, a Person no ways qualified to act therein, as he is altogether ignorant of the Laws and Customs whereby he ought to govern, and thereby, as well as by his own harsh unrelenting and arbitrary Disposition, imposes great Hardships on the said Prisoners, which his Master the Warden encourages and connives at, to enable Mr. *Guybon* to make up the high Rent he pays for the said Office: To Instance Particulars,

Ques if his Patent Im- powers him so to do.

David Dunbar, says for himself, that at his first coming a Prisoner into the *Fleet* he paid all Fees demanded of him, and gave Ten Guineas for the Use of Mr. *Huggins*, for the Liberty of the Rules of the said Prison, and gave Bonds and Securities, then approved of, for continuing a Prisoner; and paid for such Bonds and Approbations.

Mr. *Huggins* says, by his Patent, he is allowed to act by Deputy, and employs Mr. *Guybon* as such; and it being an Office of Trust, he thinks it more fit for his Advantage to take a Sum certain, than to run upon an Account with such Deputy which he cannot check.

Insist that he produces his Patent.

That in less then two Months after the said *Dunbar* had so purchased the Rules, *Thomas Guybon* appeared to act as Warden, and immediately after which, as this Complainant remembers, was in Jan. 1722. he sent his Turnkey to the Complainant's Lodgings, to order him to come to him to the Lodge at the *Fleet-Gate*, and gave him to understand, that he the said *Guybon*, did not like the Security taken in Mr. *Huggins's* time, that another must be added, and Five Guineas paid to him for his Favour in continuing him the Rules, besides some Fees which the Complainant was forced to comply with, and had a Receipt for the same from Mr. *Guybon*.

Mr. *Guybon* owns that Charge to be true.

That Friday Evening the 30th of *October* 1724. the said Complainant *Dunbar*, was seized at his Lodgings by a Tipstaff and Turnkey, by Mr. *Guybon's* Order, as they said, and removed to a Spunging-House near the *Fleet-Gate*, and there lodged in a little dirty Room, with a Window much broke, and where no Fire could be made; but the Complainant, in his way to the said Spunging-House, was permitted to speak to Mr. *Guybon* at the Lodge, and asked him the meaning of that Usage, to which he used no other Answer, than that Mr. *Guybon* would come to him presently to the Spunging-House, but he neither came or sent.

Mr. *Guybon* says, he does not remember that he did go or send.

The first thing the Complainant did that very Night, was to write a very civil Letter of Complaint to Mr. *Huggins*, to his House in *St. Martin's-Lane*, to which he had no Answer; and the same Complaint was renewed once or twice on Saturday, when the Complainant was told that *Esq;* *Huggins* was gone to *Hampton-Court*, and would, at his return, enquire into the Matter.

That same Morning, the Complainant writ to some Friends to come to him, to speak to Mr. *Huggins*, or Mr. *Guybon*, and to offer any further Security, if required; and by much

much intreaty, he was allowed to be carried by an Officer to Mr. Guybon, at the Lodge, who told the Complainant, that nothing would satisfy him, the said Guybon, but the Complainant's paying a certain Creditor, which the Complainant said was not in his Power; whereupon Mr. Guybon proposed, that if Dunbar would pay Forty X Guineas to two Attornies then named, who had been concerned for the said certain Creditor against Dunbar, he should be made easy. All this Discourse and Proposal, was in the Presence and Hearing of Mr. Fitch, (an Officer under Mr. Guybon) to whom the Complainant appeals for Proof.

Mr. Guybon admits it to be true.

Some time after, Mr. Guybon sent to the said Dunbar, a Message by Mr. Hopkins, Mr. Huggins's Clerk, that he was determined to take no Security; and that nothing would content him but making an end with the said Creditor.

Mr. Hopkins remembers Mr. Guybon said he would take no Security, denies the rest.

That Mr. Guybon refused to let the Complainant go abroad with a Day Rule and Keeper, during his said Confinement, or even to go with an Officer to the Chappel, tho' he expects to be paid the Groat per Week for the Minister.

That would
be Chargeable
going to
Church.

Mr. Guybon admits it to be true, but told him, he would let him go to Church with a Tipstaff; and does not expect the Prisoner to pay the Parson's Dues, except he has Power to come to Church.

That during the said Confinement, Mr. Guybon sent no Answer to any Letter or Message, tho' many from this Complainant. Mr. Fitch says, he came to him with Answers.

That upon Mr. Huggins's return from Hampton-Court, Mr. Hopkins, or Mr. Fitch, came to the Complainant, and told him that Mr. Guybon had orders to take one Security from him, instead of one of his three former, who had failed; and when the Complainant named one, three were insisted on; and the Complainant at last forced to give two.

Mr. Fitch Confesses this to be true.

That it is a constant Practice with Mr. Guybon, or those who take Security-Bonds, to leave a Blank for a Name of a third Person to be Security; and soon after a Prisoner has purchased the Rules, and given Bond and two Securities, he's call'd to the Gate, and a third Security demanded, tho' not at all mentioned at first, and the Prisoner forced to comply and pay some new Fee.

Mr. Guybon never does so, as he knows of.

Mr. Dunbar's Bonds appear with a Blank, as alledged.

Mr. Cavanaugh's Bond the same.

Charles Ralf's Bond not to be found.

If any pro-
duce the same.

That a Form of a Bond for Security is Printed and Stamp'd, and in it the Securities are engaged to pay 4d per Week to the Minister for the Prisoner, which is by no Authority appointed; and the Prisoners are informed, that the 4d per Week is only due from Persons committed by the Court of Exchequer, as expressed in the Table of Fees X in the Common-Hall: for if that 4d was to be paid by every Prisoner in the Books, it would amount to upwards of 600 or 700 l. per Ann. whereas it is not pretended that ever more than 80 l. or 10 many Guineas had been given to the Minister.

It is reasonable to conclude that the 4d per Week (if any thing) ought to be paid by some particular Persons; for as mentioned in the Complaints, if it was to be paid by every Prisoner, it would amount to 600 l. Year. That Sum was never inserted in the Condition of the Bond, till sometime after Huggins was Warden: Guybons, as he gives a large yearly Rent, must Extort: He excuses none nor will discharge any untill the Arrears of the Fourpences are paid; but sends to their Security and acquaints them, that unless the same is paid he'll put the Bond in Suit, or expect they will come and surrender them; by which means he must receive 300 l. or 600 l. a Year at least.

N. B. The Parson is allowed 2 s. in every Commitment-Fee.

Mr. Huggins says, that during the Time that he or his Son was in the Execution of the Office of Warden, he verily believes he never receiv'd above eighty Guineas for the Parson's Dues in any one Year, and says he always claimed the 4d per Week, as due from all Prisoners, as well in the House as in the Rules; but believes in his Conscience, he has never receiv'd it from half of them; and he insists upon it, that if he gives the Prisoner the Liberty of the Rules, he may, and ought to do it upon such Terms as he pleases or for his great Security, and the Reason why 4d per Week is specified in the Condition of the Bond, is because he gives his Parson eighty Guineas per Ann. per Composition at his own Request, and had no other Remedy for it.

We perused Mr. Dunbar's, Mr. Cavanaugh's, and Joseph Jennings's Security-Bonds, and find that there are Blanks for other Securities; and the Prisoners do say, they are called to the Lodge at certain Times to give additional Securities, and when that is insisted upon, proportionable Gratuities are demanded by Mr. Guybon, and insists upon it that such Blanks are left with that View only. Mr. Guybon says, he never leaves Blanks but when on Inquiry the Security is insufficient, and the Prisoners agree to give more; but declares he never insists upon any Money on the adding such Security.

James Cavanaugh Complains, that when he came a Prisoner into the Fleet-Prison, he agreed with Mr. Thomas Guybon for the Rules, and paid him six Guineas as they agreed, besides all Fees, and gave according to the Agreement one Gentleman as a Security, soon after the Complainant

was

was asked for a second Security, and thereupon gave Mr. Guybon a Guinea to stop his Mouth, which it did accordingly for about two Months; but then the Complainant was forced to give a second Security. Some time after Mr. Guybon sent for him to the Lodge, and turned him into the Fleet Prison, where he lay some time on Chairs in the Cellar, and in ten or twelve Days he was set at Liberty again, at the Solicitation of Coll. Dunbar, upon giving a third Security, and a Note of two Guineas to Mr. Guybon, for such his Favour or Civility; which Note has since been paid to him.

That about the Beginning of November last, when Coll. Dunbar was removed from his Lodgings to a Spunging-House, Mr. Guybon sent a Turnkey to carry this Complainant to the Prison, upon which he was forced to abscond from his Lodgings, where frequent Enquiry was made for him, and to hide himself from Place to Place within the Rules; and very lately one of the Complainant's Security came and told him, that Mr. Guybon had sent to her to come and surrender the Complainant.

On recollection, Mr. Cavanaugh owns the third Security did not Execute, but Mr. Guybon took a two Guinea Note instead of it.

Mr. Guybon says, he took the Money for some Reason or other, but cannot particularly recollect for what.

Mr. Fitch says, that Capt. Cavanaugh agreed to send two Securities, and one of them refused to Sign, does not remember what Money was paid; some Time after he gave another Note, which Mr. Guybon accepted of; but upon what Terms he does not know.

We find Mr. Guybon at first agreed for two Securities and three Guineas; but one Security refusing, he took three Guineas more, and after that one Guinea for staying a little; and two Guineas sometime after for putting in the additional Security.

Mrs. Catherine Hole, Wife of Mr. Joseph Hole late of Exeter, and now living in Barbadoes, was committed by Lord Chancellor Camper, in May 1708 for Contempt in not Answering a Bill, which she was advised by Sir . . . Parys, and two other eminent Counsellors not to Answer without her Husband, who positively forbid her to Answer the same.

Soon after Mr. Huggins came to be Warden, he demanded Five Guineas of her for the Rules, which she paid, and afterwards lock'd her up for near 20 Weeks, and then made her pay 3 s. 6 d. per Week Chamber Rent, tho' the Furniture was all her own, besides 4 d. per Week for the Minister.

After which she paid Mr. Stone, and then to Mr. Fitch, 2 Guineas each Term for Mr. Huggins, untill the last Act of Insolvency, whereby all Persons under Contempt were discharged. Since which, nothing was demanded, untill Thomas Guybon came to Farm the Office, who often, and from Time to Time, demanded the said Two Guineas per Term of her, as by his Receipt appears, which was for five Terms; and six Guineas at another Payment for three Terms, as per like Receipt, which compleats the eight Terms, that Mr. Guybon has acted as Warden.

The said Complainant is advised, that she was acquitted of her Contempt by the aforementioned Act of Insolvency, and that her Name ought to be struck out of the Books of the Fleet, and that Mr. Guybon, or the Warden, has no Authority, Coulor or Pretence, to demand or extort any Money from her on any Account.

Mr. Huggins says, the first Part he cannot Answer, by Reason of the Length of Time, but believes he might pay two Guineas a Term for the Liberty of the Rules; and if he received five Guineas at first, he apprehends it to be very reasonable, considering the Hazard she runs, and being charged, with high Contempts in Chancery, of which she is not yet discharged.

Mr. Guybon owns the Receipt of two Guineas a Term during his Time, till about five or six Months last.

Mr. Brailesford declared he had seen Receipts for nine Terms under Mr. Guybon's own Hand.

Joseph Johnson complains, that being a House-Keeper within the Rules of the Fleet, before he was a Prisoner, and being under Difficulties and Apprehensions of some Arrests and Trouble, he applied to Mr. Stone then Deputy Warden, and besides Fees, he agreed and paid for the Liberty of the Rules Ten Guineas, and that as he was a House-Keeper, no Security should be required of him; and accordingly he enjoyed the said Liberty without Interruption, untill upon the Death of Mr. Stone, Mr. Fitch came to officiate as Deputy Warden; Soon after which this Complainant was lock'd up in the Fleet Prison, untill upon Application to Mr. Huggins, the Complainant was set at Liberty, but obliged to give Security, paying Fees for so doing, besides 4 Guineas to Mr. Fitch as a new Purchase for the said Rules; so that if Mr. Huggins makes a new Deputy ever so often, the Prisoners in the Rules have new Bargains to make with such, as has been the Practice with Mr. Thomas Guybon, who, soon after he came in, obliged this Complainant to sign a Note to him for 5 Guineas on the same Account, for which he had at Times been forced to pay him 1 l. 6 s. as by the

said

laid Note writ and endossed by Mr. *Guybon*, and an Account and Affidavit may appear, besides which, Mr. *Guybon* demanded 2 Guineas of this Complainant as a *Christmas-Box*, or Gift, and threatned him for not readily Complying; tho' before Mr. *Guybon*'s Time, the Complainant paid but one Guinea a Year, and he humbly hopes now to be eased even from that annual Tax, having a great Family to maintain.

The Fee to the Clerk for filling up the Bond is 1 l. 6 s. 6 d. &c. if not too much, he being allowed 10 s. 6 d. for enquiring after the Securities Circumstances.

Mr. *Fitch* says, he might receive 4 Guineas, but he did not take it for the Liberty of the Rules only, but likewise for Fees for new Commitments, and he never received any other Money of *Joseph Johnson*, to his Knowledge or Belief.

Mr. *Huggins* says, what Money Mr. *Stone* received, it was so many Years ago, that he cannot recollect, but believes it was little enough, considering the Advantages he received by it. And he Denies that the Prisoners are to make new Terms upon a new Deputy's coming in, except were there are new Commitments, new Charges, the Deaths of the Securities, and such like Reasons.

Mr. *Guybon* says, that he doth not deny the Receipt of the several Sums charged, but can't recollect for what, but believes there were other Causes upon him, for which he took Security at several Times.

He has not been Deputy two Years till this last January.

As to the Demand of the 2 Guineas as a *Christmas-Box* he Denies it, but if such a Thing was, it must be for two Years; but never offer'd to threaten for not paying.

Mr. *Huggins* says, he believes, the first *Christmas* he came in to be Warden, he received of several Persons within the Rules, above the Value of 50 Guineas, without any demand made by him, and continued so several Years, but rather less, and says, he does not authorize, Mr. *Guybon* to demand such Gifts.

Mr. *Ford* speaks to the same Effect as to all his Time, and adds, that he never demanded it at his Due, or authorized Mr. *Grindall*, or any Person to do so.

Thomas *Winston* Complains, that he has been obliged to pay Mr. *Guybon* Money, at Times, since he has acted as Deputy Warden, and that once a Year, he is forced to give Money as a free Gift, and that his Securities have been threatned by Letters and Messages for not paying the Ministers Groat, and that very lately a Letter was sent to one of his Securities, by one Mr. *Welland*, by Mr. *Guybon*'s Order, desiring the said Security to come and surrender this Complainant, which Letter this Complainant hath seen.

Mr. *Guybon* says, he might receive two Guineas at several times, which he took as two New-Years Gifts, and was voluntarily and freely given him by Mr. *Winston*, and not demanded as a Fee.

Mr. *Welland* says, he wrote a Letter by Mr. *Guybon*'s Order, to some Prisoners Security, for the Payment of the Parson's Dues, but to whom in particular he does not remember.

George *Paterfon* Complaineth, That having been a Prisoner, and discharged by a Statute of Bankruptcy, and having paid all Dues and Fees here demanded of him, Mr.

Thomas *Guybon* some Time after, made a new demand on him, and insisted that this Complainant was still his Prisoner; the Complainant denied it, and was threatned to be lock'd up, but Mr. *Guybon* only order'd him to make him a new Wigg, which the Complainant accordingly did, and deliver'd it to him, to the Value of six Guineas and a half, and then demanded Payment; and at the same Time produced to Mr. *Guybon*, a Certificate from my Lord *Chancellor*, of his being discharged as aforesaid, which Certificate Mr. *Guybon* put in his Pocket, and refused not only to return it, but also to pay for the said Wig.

Mr. *Guybon* says, Mr. *Paterfon* never paid any Fees, and till that is done, he cannot be discharged, but *Paterfon* not being present, the Examination of the Matter relating to him, could not be proceeded on.

George *Greenaway* Complains, That having Purchased the Rules, and paid for the same, besides all Fees, and Security given, he was deprived thereof, and turned into a Spunging-House for a long Time, at great Expences, on pretence that he was out of Way when he should have been carried to *Westminster* to be charg'd in Execution, tho' on that same Day, this Complainant was abroad with a Day-Rule, having no Notice that he was so to be carried up and charg'd in Execution.

Mr. *Guybon* does not remember what Money he receiv'd, but says, the Reason why he ordered *Greenaway* to be Lock'd up, was, because he was out of the Way when the Warden should have carried him to *Westminster* to be charg'd in Execution.

Mr. *Huggins* says, That if the Clerk of the Papers give a Day-Rule, when a *Habeas Corpus ad satis faciend.* is in the Office, is what cannot be justified, and it is a Fault.

GEO. COOKE.

RICH. FOLEY.

THO. BARRETT.

The

My Lord KING, mov'd with Compassion, sent down the *Prothonotaries*, according to the Prayer of *Cavenaugh's* Petition, who came accordingly, and reported to his Lordship, as follows:

The REPORT of Sir GEORGE COOKE, Knt. RICHARD FOLEY, Esq; and THOMAS BARRETT, Esq; the three *Prothonotaries* of the Court of Common-Pleas.

To the Right Honourable Sir PETER KING, Knight, Lord Chief Justice, and to the rest of the Justices of His MAJESTY's said Court of Common-Pleas;

Touching the several Complaints contained in the Petition of the Prisoners confin'd in the Fleet-Prison: Taken before the said *Prothonotaries*, on the 20th, 23d and 25th of Nov. and the 2d and 4th of Dec. 1724, pursuant to the Direction of the said Court.

Article I. **T**HAT as to Day-Rules the Warden demands five Shillings for his Man's Inquiry after Security, and five Shillings for a Keeper.

2 Jesse. Fear The Warden insists, that he is the proper Judge who, he consents, should have a Day-
7 Man's Gyles Rule, because his Office depends on it; and he must secure himself.

and Pain's Insists on five Shillings, as an usual Fee to his Servant for such Inquiry; and owns,
Affidavits. i. That where good Security is given, needs no Messenger; nor does insist upon it.

John Ferryman denied a Day-Rule at first, but afterwards granted, and he went out with a voluntary Messenger, who had nothing of him: The Warden declared, He never expects Security for above double the Debt.

Major Wilson, That about a Year ago he paid Mr. *Fitch* half a Guinea for Civility-Money, at two several Times, besides six Shillings and six Pence for the Day-Rule, and five Shillings for a Messenger; and this soon after he had given the Warden Security. Offers to Swear it.

Mr. *Fitch* says, He did not receive any such Money; but might receive Money of him for a Day-Rule. Offers his Oath.

Major Wilson says, Soon after paying the above two half Guineas, he had occasion to make Affidavit before a Matter in *Chancery*, and gave half a Guinea to Mr. *Fitch* for his trouble, and spent half a Guinea; and had no Day-Rule as he knows off, or remembers.

Charles Gyles did give Security for his Return, on obtaining a Day-Rule thereon, did likewise pay five Shillings for a Messenger; and this he has done several Times.

Art. II. That the Warden takes two Shillings and ten Pence for every Person in possession of Chambers, and five Shillings per Week for some Chambers; and where two or more are in one Chamber, takes two Shillings and ten Pence of every Person.

Art. 8 & 9 W. That the Warden shall not take above two Shillings and six Pence per Week, for the use of any Chamber, under the Penalty of 20 l.

Mr. Huggins's Answer. That he takes but two Shillings and six Pence for the Chamber, and four Pence to the Parson, which he Claims as a Fee due to the Parson; does not accompt to the Parson for the Whole, but satisfies the Parson; and believes all the four Pence's receiv'd, never amounted to enough to satisfy him what he has paid the Parson.

Object. Receives two Shillings for the Parson for every one that comes in on the Master's-Side; and one Shilling for the Parson, for every one on the Common-Side.

Ans. Warden insists upon it as a constant Fee; and Mr. *Ford*, late Warden, declares, it was settled by Lord *Cowper*, but can't shew the Order; declares, he takes two Shillings and six Pence per Week for the Chamber, and two Shillings and six Pence for the Furniture, the Act of Parliament not Ascertaining the Price of Chamber ready furnished; and where a Prisoner will furnish his own Chamber, desires but two Shillings and six Pence per Week; and where two or more lie in one Chamber, desires but five Shillings for Chamber and Furniture.

Object. That the Warden being Conscious he ought to take but two Shillings and six Pence per Week ready furnished; several Persons, at this Time, have Chambers at two Shillings and six Pence per Week with Furniture.

Ans. That is true, but he Lets such Chambers at that Price, only to such Persons as are willing to take in a Chamber-Fellow; and where a Person furnishes his own Chamber, pays but two Shillings and six Pence, tho' he takes a Chum to lie with him.

The Prisoners shew an Inventory in which the Furniture of several Rooms are made of an inconsiderable Value, &c.

The Complaint of *Anthony Shelverton*, Butcher, a Prisoner about eight Years; that for the four first Years he paid ten Shillings and six Pence per Year, but for these four Years last past, paid a Guinea a Year; and by a Note of the fourth of September last: It appears, he paid five Guineas to Mr. *Guybon*, but what it was for can't tell; but never was asked for any Dues to the Parson, nor ever heard of any such Demand.

Mr. *Guybon* says, The five Guineas was for the Parson's Fee, and for the Fees of discharging an Action against *Shelverton*; and supposes, the yearly Payments were for the Liberty of the Rules.

Joseph

Affidavit. **XXIV.** *Joseph Jennings* says, When he was first committed, about *January* last, he paid *Mr. Guybon* four Pounds ten Shillings for his Fees; eleven Pounds for the Liberty of the Rules for two Months; and paid *Mr. Guybon* three Shillings six Pence per Week for Lodging, besides seven Shillings and six Pence per Week at the House; paid *Mr. Fitch* one Pound for enquiring after his Security; but now confines him, and refuses to repay the eleven Pounds, or deliver up his Security.

Mr. Guybon says, He might have lain all his Life for the eleven Pounds; and as to the three Shillings and six Pence, says, He paid it voluntarily, as if he had a Chamber; and *Mr. Fitch* says, He had four Sets of Security to enquire after.

Mr. Humphreys That seven or eight being at a Spunging-House, one of the Turnkeys came as from the Warden, and insisted upon six Pence per Night for Lodging, notwithstanding they were not in the Prison; and this was paid by several Persons:

Warden Knows nothing of it; *Mr. Guybon* believes there was some such Thing; Warden does not justify the Demand; and agreed to return six Guineas to *Jennings*.

Ant. Franklin Affidavit III. That he paid his Commitment-Fee as on the Master's-Side; notwithstanding which, he is turned on the Common-Side; and refuses to return his Money:

The Warden Agrees to restore what is received above the Fee for the Common-Side:

Joseph Hands Prisoner ever since *November* last, and a *Superfedeas* granted; but *Mr. Guybon* demanded fifty Shillings for the Dismission-Fees for five Actions; and ten Shillings to *Mr. Adams*, for Allowance of his *Superfedeas*; and *Mr. Guybon* demanded three Pounds for twelve Weeks Chamber-Rent, tho' the Furniture was his own; and told him, He should not be discharged, till he had paid it (and threatened to receive a Declaration against him) and nineteen Shillings unpaid of his Commitment-Fee, altho' he paid his Commitment-Fee before: But he was first committed on the Common-Side, and afterwards removed to the Master's-Side, by which Means he was retained in Custody, otherwise would have been discharged; two Declarations being since that, delivered against him: Offers his Affidavit.

Guybon Demanded twenty six Weeks Chamber-Rent, at two Shillings and six Pence per Week, to the 30th of *September* last, which refers to *March* last; only upon Computation it appears, that at two Shillings and six Pence per Week, it was for twenty four Weeks, which was for about twelve Weeks before he had any Chamber.

T. Farrington Says, He knows the Warden had no Furniture in *Hand's* Room; for that one *Cleaver*, who was in that Room before, took away all the Furniture, and *Hand's* furnished it himself.

R. Scrivener The Chamberlain owns the Furniture to be *Hand's*; and the Warden agreed, he should have it for two Shillings and six Pence per Week.

M. Guybon Says, He demanded the three Pounds for six Months Rent of the Chamber; and offers his Affidavit, That he demanded, but two Shillings and ten Pence per Week for the Time.

J. Singleton That *Hand's* did not enter into his Chamber till *February*, or *March* last; for he had the Chamber till about that Time.

T. Farrington Further saith, That he is pretty positive, that *Hand's* did not come into the Chamber till *March* last.

Wm. Pinder Says, That he takes a Memorandum of the Time every Person comes into the House on the Master's-Side, and when they go out; and charges every Person two Shillings and six Pence per Week for a Chamber, whether such Person has a Chamber or not; and supposes only he has a Chamber; but keeps no Account the Day a Prisoner goes into a Chamber, nor no Memorandum; but only a general Demand: But in the Case of *Hand's*, he took his own Account of the Time he went over to the Master's-Side, taking him to be honest.

Mr. Ford late Warden, Employed *Mr. Grindall* for his Rent-gatherer, and he says, *Mr. Grindall* always charged every Prisoner on the Master's-Side, two Shillings and six Pence per Week for Chamber-Rent, whether he had a Chamber or not; and this was done, as well before, as after the Act of Parliament.

Mr. Huggins says, There was in *Mr. Stone's* Time (who was his Deputy) Chambers enough for all the Prisoners; and therefore kept no other Account, supposing every Person to be furnished with a Chamber: And if Prisoners have not a Chamber, they discount for the Time, and always takes their Word: And *Pinder* says, He always discounts it with the Prisoner. *Mr. Huggins* says, The Chamberlain helps *Pinder* in his Accompts.

The Chamberlain says, He never keeps any Accompt, nor ever help'd *Pinder* to accompt.

T. Farrington That *James Richmond*, a Prisoner, lay sixteen Weeks in the Cellar (and afterwards went into a Chamber, where he died) *Mr. Guybon* made his Executors pay for Chamber-Rent, for the sixteen Weeks he lay in the Cellar: He had it from *Richmond's* Mouth.

Francis Dent says, He lay but a Fortnight, or thereabouts; and the Chamberlain says, He did not lie above three Days.

Richmond came in the 6th of May, 1723. Chamberlain owned he provided him with Sheets, when he got a Chamber, and produced his Book; whereby it appears, the first Time he provided Sheets, was the 15th of September, 1723, at which Time, he took the Chamber he died in.

Article III. That several Persons are in Possession of Rooms in the House, that are not Prisoners: For Instance, *Mrs. Edwards* one Room; *Seely* one Room; *Turnkey* three Rooms.

Answer. *Mr. Huggins* knows nothing of this; but if any such, will forthwith clear the Rooms, only such as are necessary for the Watchmen to be in.

Article IV. That there is not sufficient Furniture in the Rooms, and to refer to the Inventory.

Mr. Huggins will get an Appraiser, and if any thing is wanting, and the Prisoners will pay their Rent, he will supply them in a handsome Manner; but shews, that there is about one thousand four hundred Pounds due for Chamber-Rent.

John Hope says, that *Mrs. Marshall* paid eight Shillings for the Repair of her Windows, and was promised to be allow'd it in her Rent, but refused. *Pinder* says, the Rent is low, and that is the Reason that the Tenant always pays for Repairs; but the Warden has since allowed the eight Shillings.

Hope says further, that the Quaker's Room is much out of Repairs, and, that the Rain now comes in where he lies, and the Quaker's pay twenty Pounds a Year for Rent.

Mr. Huggins says, the Room ought, and shall be repaired: But says, the twenty Pounds *per Annum*, is paid by the Body of the Quakers for their (People's Liberty of the Rules, and for the Rent of the Room.)

Article V. The Drains, Gutters, necessary Houses, &c. out of Repairs.

Mr. Huggins says, some of them are now in Repair, and the rest shall be done as soon as possible.

Art. VI. Concerning Fees due to the Warden, &c.

Complain, that the Warden receives seven Shillings and six Pence for the Dismission Fee for every Action; but insist, only to pay one Dismission Fee for several Causes.

Mr. Huggins says, when a Prisoner is discharged by *Superfedeas*, he takes but one Dismission Fee for all the Causes specified in such *Superfedeas*; but if several *Superfedeas*'s, receives several Dismission or discharging Fees: But he has constantly discharged Prisoners when the Plaintiffs have released without the Process of *Superfedeas*; and then he receives for every such Release, a separate Dismission or discharging Fee: And *Mr. Ford* says, he always received the same all his Time.

As to the Commitment Fee, the Warden insist but for one Fee, if there be many Causes, but in case of a Render in Discharge of Bail, he always takes a Commitment Fee for every such Render.

In the Commitment Fee, there was formerly included one Week's Commons, which for a Gentleman, &c. was charged at sixteen Shillings and four Pence: But there being no Commons now, the Prisoners submit, Whether there should not be an Allowance for that, out of the Commitment Fee?

Prisoners Insists, that there are two Classes on the Master's-Side, *viz.* Gentlemen and Yeoman: And therefore, that the Warden ought to take but a Commitment Fee in Proportion to the Degree, *viz.* One Pound six Shillings and eight Pence for a Gentleman, and thirteen Shillings and four Pence for a Yeoman, exclusive of Commons, which are now discontinued.

Mr. Huggins Insists, that there is but one Class on the Master's-Side; and that he always has received two Pounds, four Shillings and four Pence, for every Person committed on the Master's-Side, under the Article of a Gentleman.

Mr. Ford says, he always took the same during all his Time; and that *Mr. Manlove* took it all his Time: Likewise as did appear by *Mr. Manlove's* Books, of which he had the Perusal.

Notwithstanding, the Warden owns, that he is to have but one discharging Fee, where several Causes are specified in one *Superfedeas*.

The Prisoners Complain, that he takes more; and for Instance, produced one *Abel*, who solicited the Discharges of *Susannah Lassels*; and he is positive, that there was two Actions specified in her *Superfedeas*; and produced a Receipt under *Mr. Guybon's* Hand, for two ten Shilling Fees for the Discharge; so that instead of seven Shillings and six Pence, he received twenty Shillings, exclusive of the Clerk of the Papers Allowance Fee, which he also received double *viz.* Five Shillings instead of two Shillings and four Pence.

Christ. Hespil Superfeded one *Berney*, and five Actions specified in one *Superfedeas*, on which he paid the Clerk of the Papers five several Allowance Fees, *viz.* twelve Shillings and six Pence, exclusive of the Discharging Fee.

Joseph Hand says, when he had a *Superfedeas* for his Discharge, there were four Actions in that Writ, and paid the Clerk of the Papers ten Shillings for four discharging Fees; and that *Mr. Guybon* insisted on forty Shillings for four discharging Fees, and for Non-Payment

Payment confin'd him; for which Reason; and other exorbitant Demands, he lost the Benefit of his Discharge, and is now charged with fresh Actions.

They further complain, That the Warden demands four Pence *per Week* of every Prisoner, on the Master's-Side, insists it is not due; and if due, they ought to pay it to the Parson, and not to the Warden; and affirms, that the four Pences would amount to five hundred Pounds *per Annum*.

Mr. *Huggins* says, It has been settled long ago, by Rule, or Order.

Mr. *Ford* says, That Mr. *Taylor* was his Parson, and complained to him of the Difficulty of collecting his Dues, and desired him to receive it for him; and so he compounded and paid Mr. *Taylor* eighty Pounds a Year, and he then collected the Fees, before which Time, it was collected by the Parson, or by some Officer of the *Fleet*, by his Order: And that he (Mr. *Ford*) collected the two Shillings, and one Shilling, and the four Pence, as above.

Mr. *Huggins* says, He always agreed, and paid Mr. *Taylor*, and Mr. *Lydell* his Successor, eighty Guineas *per Annum*.

Mr. *Guybon* Was desired to produce his Accompt-Books, and he refused to produce any of them. Whether he has any such Books or not, we refer it to the Consideration of the Judges.

Art. VII. The Warden's Clerk demands one Shilling for the Copy of every Cause, and two Shillings and six Pence for a Certificate, which the Prisoners insists is not his Due.

Mr. Warden In Answer says, That that Clerk, is Mr. *Adams's* Clerk of the Papers, who absconds, so cannot answer for him.

Art. VIII. The Warden's Clerk demands one Shilling for every Declaration delivered, and for Non-payment refuses to deliver them to the Prisoner, altho' one Shilling is paid to the Turnkey for each, whereby the Prisoners suffers very much.

Warden Gives the same Answer.

The Prisoners refer these Answers, to the Consideration of the Judges.

Art. IX. The Warden demands a fresh Commitment-Fee, where a Prisoner is removed from the *King's-Bench* to the *Fleet*.

Warden Insists on such Fee as always paid.

Art. X. Also the Hanging up a List of the Gifts, or Bequests, to the poor Prisoners of the *Fleet*, pursuant to the Act of the 22 and 23 *Carolus II.*

Warden says, He knows nothing of Gifts or Bequests; and if there be any such, it does not belong to the Prisoners on the Master's-Side, from whom the Complaint comes: And as to the Prisoners on the Common-Side, refers to his Answer given in to the Judges.

St. Alex. An- That one *Pugh*, who was employed to inquire after the Gifts and Bequests, was
gruther, deny'd Access to the Prisoners, so that the Prisoners could have no Fruit of such Enquiry: And *Dummitt* a Prisoner, arrested *Pugh* upon a sham Action, to embarrass the Affair.

William Dummitt says, That he did cause *Pugh* to be arrested, upon an Action for Words, in saying he would destroy the Grate: and he being an Assistant, was to inquire after the Gifts, and to secure it for the Benefit of the poor Prisoners, did cause *Pugh* to be arrested for such Expression, as tended to the Prejudice of the Poor's Box; and a Legacy given from St. *Andrew Undershaft*, of seventeen Shilling and a Penny *per Annum*, and this he did with the Consent of *John Gadd* and *Michael Colwell*, two other Assistants, at least they did not oppose it; but says further, that about three or four Months ago, an Officer from *Wood-street Compter* (whose Name he does not remember) came to him, and took Notice of the Flame *Pugh* had raised in that Prison; and did hear he had been doing the same at the *Fleet*; and told him, *Pugh* was now a Prisoner in one of the Compters (till which Time, he did not know *Pugh* was a Prisoner) and he then employed him, to enter an Action against him; but, whether the Officer, or he mention'd the arresting *Pugh* first, he cannot remember: He then gave three Shillings and six Pence to enter the Action, and afterwards five Shillings to employ an Attorney, but the Attorney's Name he cannot remember, and the Money was paid out of his own Pocket; and that he never had any Money from the Warden, or his Deputy for the same.

Pugh says, That *Welland's* Name is upon the Precipe.

Dent says, That *Welland* owned he was Attorney.

Guybon says, He did deny Access to *Pugh*, because he was a troublesome Man, and one that had created great Disturbances in other Prisons.

Art. XI. As to the Petition of the Prisoners, for Leave to regulate themselves, as the Prisoners of the *King's-Bench* do, refer the same to the Consideration of the Judges.

As to the first Complaint in the second Petition, that the Warden caused Prisoners to be removed without the Knowledge of their Plaintiffs, and superceded others against their Consent; and also threatens to remove to some Goals, all such Persons, as discover any Resolutions to procure the Protection of the Court.

Jan. Thompson's Affidavit N^o XXV. *Affidavit*, that he was removed to the *King's-Bench*, at the Instigation and by the Order of Mr. *Guybon*, as he believes, and without the Knowledge or Consent of the Plaintiff Mrs. *Edwards*.

Mr. *Guybon* says, That Mr. *Welland* told him, That *Thompson* was removed at the Instance of the Plaintiff, Mrs. *Edwards*; and that she employed Mr. *Welland*; and afterwards being ask'd whether he did not employ *Welland*? He said, He did not know but he might employ *Welland*; but he would inform himself better by his Notes.

Wednesday 2d. of December 1724. Upon asking Mr. *Guybon* again, as above, he deny'd that he employed Mr. *Welland*, or that he can find any Notes about it.

Mr. *Welland* being present declared, He removed *Thompson* at his own Expence to the *King's-Bench* Prison, about *October* last, at his Suit, for assaulting him by Flinging-Stones, &c. at him, and spitting in his Face, and upon no other Pretence whatsoever; or at the Instigation of any Person; and delivered a Declaration upon *Friday* last; and being ask'd who he had Business with, that he could not keep out of *Thompson's* Way, who was a close Prisoner, behind the Grates? He said, He came to to speak with *Dummitt*.

Daniel Woodcock says, That he saw the Commitment; That there were but two Actions, one on a (*Capias ad satisfaciend.*) and the other, on a Bill of *Middlesex*, and both at the Suit of *Susannah Edwards*; and that he is very sure, there was no Action at the Suit of *Welland*; and this he offers to make *Affidavit* of.

Mr. William Borrett. Upon this went to the *King's-Bench* Prison, and found, That *Thompson* stands committed there at the Suit of *Edwards*; but believes, she knows nothing of the Matter, or ever ordered his being removed; and that there is no Charge at the Suit of any other Person, till *Friday* last, when a Declaration was delivered at the Suit of Mr. *Welland* for an Assault.

Thomas Doughty. That he heard *Welland* declare, That *Thompson* should be removed, and several others should be served to; and that Mr. *Guybon* was a silly Man, and did not know a *Habeas Corpus* from any other Writ.

John Cane says, *Welland* threaten'd to render him to the *King's-Bench* in Discharge of his Bail.

Welland says, He told him, he had Orders from his Bail, to render him in their Discharge, but never threatened him.

Guybon says, He never ordered Mr. *Welland* to threaten *Cane*, or any other Person, to remove them.

Doughty further says, That *Welland* told, and confessed to him, that *Guybon* was governed by Mr. *Welland*; and upon some Words between *Doughty* and *Welland*, the said *Welland* threatened him to be turn'd into the House the next Day, which was accordingly done, and this the Prisoners offer as an Evidence to shew, that *Guybon* is under the Influence of *Welland*.

Guybon says, *Welland* never spoke to him, to put *Doughty* into the House; but *Doughty* being committed on a Commission of *Bankrupt*, he told him several Times he could put him into the Prison; and accordingly did so without the Influence of *Welland*.

Affidavit N^o XXVI. That *Barbara Bush* was denied a Day-Rule by Mr. *Guybon*; and that he used her very ill in many particulars: *Viz.* by breaking open her Door, and forcing a common Woman of the Town to be her Cham, and makes her pay 2 s. 10 d. per Week for her Room; and demands the same of the other Woman, and that Mr. *Guybon* demanded 5 s. 10 d. per Week for the Time she was on the *Chapel-Stairs*-side.

That she was recommended by Mr. *Guybon* to Mrs. *Crisp*, as an Object of Charity; and Mrs. *Crisp* agreed to her Discharge; and Mr. *Guybon* said, He would take her Share of some Charity-Money for his Fees; and tho' she was discharged by Mrs. *Crisp*, yet Mr. *Guybon* sent her to a Spunging-House, and there kept her without any Authority, till he could procure a Process to detain her at his Suit for Chamber-Rent and Fees, and afterwards sent her to *Wood-street* Compter, where she now remains a close Prisoner, in a wretched Condition, for the same.

Mr. *Guybon* denies his recommending Mrs. *Bush* to Mrs. *Crisp's* Charity, and confesses his charging her in Custody at his Suit for Fees.

Mr. Huggins. Mr. *Huggins* says, After a Prisoner is discharged he may justify the carrying any Prisoner to any Spunging-House, within the Rules, and detain them for his Fees; and on such Detainer he may bring an Action for his Chamber-Rent, and this he insists upon.

The Prisoners. Insist, That the Warden is bound by said Order as to Chamber-Rent.

The Bills and Receipt, &c. That Mrs. *Lassels-Supervideas* was allowed without her Order or Consent, and she turned out of the Prison, and conveyed to a Spunging-House within the Rules, and there confined till she pay extravagant Fees to Mr. *Guybon*, as appears by the Bill, and *Guybon's* Receipt amounting to 12 l. 11 s. to which we refer.

Mr.

Mr. Welland says, She was a long Time Prisoner, and often promised to pay her Fees; that she consented to her being superceded; and being in the Spunging-House, she desired to continue there till she paid her Fees. And,

Mr. Brailsford says, Mrs. Laffels Daughter complained to him, That her Mother was threatened to be sent to the Compter by Mr. Guybon, if she did not pay.

Mr. Guybon says, Mrs. Laffels was conveyed to the Spunging-House by his Order, for Rent and Fees, and Money laid out for her at her Request; and detained her there till she paid the Bill of 12 l. 11 s. to which he gave his Receipt, and abated her the 11 s. but had no Process of Law against the said Mrs. Laffels to Warrant the same.

Mr. Huggins says, He does not know of any Prisoners being discharged or superceded without their Consent, except where a Sum of Money has been given for that Purpose, and on which Occasion he has often given his Fees.

Mr. Ford says, He has likewise done the same; and has often discharged Prisoners to quiet the House, and to secure himself from Escapes.

Geor. Toller. That about the 19th of October last, He was removed by Habeas Corpus from the Mayor's Prison of Maidstone, to the Prison of the Fleet, and paid his Fees; and about ten Days after he received Notice, that if he did not Render himself, his Bail would be endangered; on which he applied to Mr. Guybon, in Order to a Render, who told him He should not go to render, unless he would pay him a new Commitment-Fee; on which he paid him 2 s. 6 d. and as he went with the Tip-staff, Richard Corbett, was refused to proceed, unless he would give the said Tip-staff 10 s. and he said, He paid at the Judges Chamber about 35 or 36 Shil. for such Render.

Mr. Huggins says, The Tip-staff carried Toller without a Habeas Corpus, and by that means saved him the Charge of a Habeas Corpus; and for that Favour, the Tip-staff told him, If he did not pay 10 s. he would carry him back.

Leonard Gell. That he has been a Prisoner for four Terms last past, and was superceded about a Month since; but before he could be discharged, Mr. Guybon demanded 52 Shil. for Fees, viz. 5 s. for every Discharge, 1 l. 6 s. 4 d. for his Commitment-Fee, altho' he is a Prisoner in the Wards; and desired to partake of the Benefit of the Box, but refused; by which means he has been ever since, detained in a miserable Way, and almost starved with Cold.

Mr. Huggins says, He ought to qualify himself before he is intitled to the Benefit of the Box, which he has not done.

Gell says, He offered to qualify himself, but was refused.

John Head says, That when Mr. Whiren, by Lord Chief Justice's order, came to qualify Persons for the Benefit of the Box, Gell came to the Gate, and told him, he was in the Cellar, and got his Victuals and drink, and hoped he should be discharged soon, and did not qualify himself for the Box; and that Gell was not hindred from applying to the Lord Chief Justice's Clerk.

Gell denies the Whole, and Offers to make Affidavit to the contrary.

Head says, That Guybon sent word by him to Gell, to tell him, tho' his Fees were 52 s. he would take 30 s.

Francis Dem says, That he offered to qualify himself for the Box, but Head refused him, and Gell in his Presence.

John Head owns, He receives 2 s. 6 d. per Pound for all the Money collected, or taken out of the Box, and that he was appointed Steward to the Charity by the Prisoners, and confirm'd by Mr. Huggins.

Mr. Huggins says, He Consents the Prisoners shall choose a proper Steward amongst themselves without his Interposition; and that no Person shall be refused to qualify themselves for the Box, and will always approve of such Person, on whom the Majority falls, except one Person, whose Name is Pugh.

As to the second Complaint, in the second Petition, concerning the Watchman's striking and abusing several Prisoners, and assaulting them with his Pen-knife, and tho' complained of, the Warden takes no Notice, nor any Method to suppress such Usage.

Char. Rolfe's Affidavit. That last Summer, having bought the Liberty of the Rules of Mr. Guybon, and paid him his full Demands, he was soon after lock'd up, and put into Chains, and N^o XXIII. carried into a Dungen, called the Lions-Den, and was stapled down on the Floor; and the same Day in the Afternoon, one Pitt, Nephew to Mr. Guybon, and the said John Head, came into the Den, and without any Provocation fell upon him with Sticks or Canes, and Pitt struck him over the Head, broke it, and knockt him down, and by the fall he received, bruised his Back and Loyns against the Boards, so that he was forced to be let Blood, and having applied to Mr. Guybon, to ease Nature after 26 Hours being confined and chained down, he refused it, and sent word, He might foul his Breeches and Chains too if he pleased, for he would not loose him; and believes this was done to extort Money from him.

Mr.

Mr. Guybon says, *Ralph* was brought to the *Fleet* by his Securities, and because he was very rude, and misbehaved himself very unruly in the Chappel, and interrupted the Parson, more like a Madman than like one that should be at his Prayers, he ordered him to be taken up, and Chains to be put upon him, and to be put into the *Den* till he was sober.

John Head says, That he heard Mr. *Ralph* making a Noise in the Chappel, and he complain'd to him, and asked him why he did so? Went up to him, and struck him over the Face with his Fist; and then went and called Mr. *Guybon* Names, and gave him abusive Language, and spit in *Head's* Face, and swore he would set the House on Fire, meaning the *Fleet*, upon which Mr. *Guybon*, to keep *Ralph* from doing Mischief, ordered *Head*, and others, to put a Chain and lock upon *Ralph*, and carried him out of the Prison to *Corbett's* the Tip-staff's House, with his Chains; but he was so unruly there, that *Corbett's* Wife soon after came, and desired he might be removed from their House; upon which he was put into the *Den*, by Mr. *Guybon's* Order, and going into the *Den*, *Ralph* flung a Pot at him, and broke his Head. Knows nothing of *Pitt's* beating him.

Welland says much to the same Purpose; and that he was in the Lodge, when *Ralph* was carried thither, and he heard *Ralph* give Mr. *Guybon* very abusive Language, and flung his Shoes at him, which hit Mr. *Welland* on the Arm, flung a Stool at Mr. *Guybon*, on which Mr. *Guybon* ordered a Chain to be put upon him.

Henry Cooper says, He was present, and saw the Usage *Ralph* receiv'd in the *Den*, and he saw *Head* thrust him against the Barracks, and saw *Pitt* strike him with a Cane, and saw the Blood run about his Ears, and believes *Ralph* might fling a Tea-pot, or kick it; but does not think it struck *Head*; and does not think, that *Ralph* gave Provocation sufficient for such Usage.

Capt. Allen Was committed about a Year ago; and when he came to the Lodge, Mr. *Guybon* ask'd for the Commitment-Fee: He desired to see his Room first, and no Room being to be had, he lodged with other Prisoners on the Master's-Side for some Time; afterwards got a Room; and there being a Complaint to the Lord Chief Justice, the last *Trinity-Term*, or soon after, and he being concern'd as a Complainant, Mr. *Welland*, Mr. *Jones*, and a Blacksmith, some Time in the last long Vacation, came and put a Padlock upon his Door, when he was out of the Room; but Somebody broke open the Door the same evening, unknown to him, and was threatned to be sent to *Newgate* for the same: And asking *Jones*, whether he had any Demands, or Messages from the Warden; he said, No; but was sent on that ungrateful Office by Mr. *Guybon*. Owns he has paid neither Commitment-Fee, Chamber-Rent, or any other Fees.

Mr. *Guybon* says, He sent often to Mr. *Ascough* for the Fees, and Chamber-Rent; and he never paid any; and upon that, ordered his Door to be pad-lock'd up, but does not know who broke it open; but believes it was Mr. *Ascough*.

Mr. *Humphrys* says, He was in Company with Mr. *Ascough*, when the News was brought of the Door's being broke open.

D. Woodcock Complains, That as he was sitting by the Fire-side in the Tap-House, *James Barnes*, a Watchman, and also a Prisoner of the *Fleet*, came and abused him, calling him a pittifull Rôgue, Lawyer Dog, and other abusive Language; upon which, to avoid *Barnes*, he went to another Fire: *Barnes* followed him thither, and struck him on the Head with his double Fist, without any Provocation given by the said *Woodcock*.

Maj. Willson Saw the Blow given, but did not see the Beginning of the Quarrell, and not any Provocation from *Woodcock*.

Joseph Jennings Saw the Beginning of the Quarrel, and says, There was no manner of Provocation; but he saw and heard the Blow.

5th Novemb. Gerfl. Flory Was lighting his Pipe at the Fire, *Barnes* came, abused him, and without any Provocation, stabb'd at him with a Penknife, and tore his Cloaths, and scratch'd his Skin with the Penknife, and then swore he would kick his Guts out.

6th. Novemb. Tho. Paine Was standing by the Fire in the Tap-House, *Barnes* came to him, and abused him very much, and without any Provocation, threatned to ring off his Neck, and to broil him; upon which, he wrote to Mr. *Guybon*, and desired Redress, but received no manner of Satisfaction, nor Answer: He saw the Abuse given to *Woodcock*, and says, He heard the Blow given; and that *Woodcock* gave no Manner of Provocation.

James Barnes says, That he being at the Fire in the Tap-House, *Woodcock* came and stamp'd on his Toes; and asked him what that was for; He told him he was a Scrub, one of the Warden's Bull-Dogs, and other abusive Language, and came up to him, and jostled him; and after many other Provocations, he struck him a Box on the Ear.

Jennings says, That at that Time, *Barnes* pretends, That *Woodcock* stamp'd upon his Toes: They were at such a Distance, that it was impossible.

Mr. *Huggins* says, He will not justify any of his Officers in abusing the Prisoners. *Barnes* says, He was toasting some Cheese, and *Flory* took it away, on which he was very angry, and might speak a peevish Word; but as for the stabbing, he said, *Flory* had taken his Cheese, and was snatching his Bread out of his Hand; and to save his Bread, with the Knife in his Hand, he might tare *Flory's* Coat a little.

Mr. *Guybon* says, He did receive a Letter from *Paine*, and upon that, sent for *Barnes*, and reprimanded him for it; but owns he did not tell *Payne* that he had done it.

Major *Willson* says, He caused a *Habeas Corpus ad testificand.* to be sued forth, for the sitting in London in July 1723, to bring *Thomas Payne* and *Thomas Farrington* to give Evidence on a Tryal; and Mr. *Guybon* refused to let them go under two Guineas, and did not insist upon any other Security, tho' he offer'd the same Security the Warden had formerly taken; by which means, he lost the Opportunity of trying his Cause.

Mr. *Guybon* does not remember the Matter.

Mr. *Huggins* says, He is not obliged to obey any *Habeas Corpus*, unless he has sufficient Security; and does insist upon a Reward from a Prisoner when he is to run the Risque, and by which he has already suffer'd.

The Prisoners Complain, That the Warden promised to send down an Appraiser, to value the Furniture in the Rooms of the Prison, but never sent one.

Mr. *Huggins* says, He could not find his Book, in which the Account of the Furniture is contained, till lately; but he now promises to send an Appraiser, upon Tuesday the 8th Day of December, Instant, at ten in the Forenoon: He promises to get the Windows mended forthwith.

The Prisoners Call upon Mr. *Guybon*, to call any Person to his Character.

Mr. *Huggins* says, He has known for thirty Years last past, and upwards, and entrusted him with great Sums of Money at several Times; and having that Confidence in him, did appoint him to be his Deputy.

GEO. COOKE.

RICH. FOLEY.

THO BARRETT.

After this Report of the Prothonotaries, the Prisoners reply'd to Mr. *Huggins's* Answer, as follows:

To the Right Honourable Sir PETER KING, Knight, Lord Chief Justice of his Majesty's Court of Common-Pleas, and to the Rest of the Judges of that Court,

The Replication of the Prisoners confined for Debt within the Fleet Prison, to the Answer of John Huggins, Esq, Warden of the said Prison, to the Petition of the said Prisoners. All which is humbly offer'd to your Lordships Consideration.

YOUR Petitioners have, from Time to Time, acquainted Mr. *Guybon*, who has acted as Warden (and is reputed as such) with the several Complaints contained in their Petitions; and in a Gentleman-like Manner have as often desired that he would redress the same: But without any Effect. And whereas Mr. *Huggins* has not for a long Time appeared and acted as Warden, but left the entire Management and Government of the said Prison, to the said Mr. *Guybon*; your Petitioners were without Hopes of Relief, but from your Lordships known Justice and Clemency.

I. And in Reply to Mr. *Huggins's* Answer, your Petitioners say, That they are willing, and think it reasonable, That to their Power, the Warden should be made safe against any Escape they may commit by reason of Day-Rules; but as it cannot be imagined, that every Prisoner can procure Security for large Sums, they hope your Lordships will think it reasonable nevertheless, that Prisoners should be indulged with Day-Rules, on Payment of the settled Fees, or Wages, to so many Waiters as shall be in Reason adjudged sufficient to guard and bring back such Prisoner.

That unreasonable Security for a Prisoner to go out on a Day-Rule, has been frequently insisted on by Mr. *Guybon*, the acting Warden, your Petitioners can prove by the Oaths of several Persons, should your Lordships think such Proof necessary; and tho' it may be true, that the Warden himself never takes Money, or makes Bargains for Securities, or Messengers going out with the Prisoners, yet he suffers such Servants and Messengers to impose and take large Fees, or Wages, more than the settled Fees, besides other Expences in treating such Messengers (and that too, even from those that have given undoubted Security for their Return) otherwise they absolutely refuse to attend upon, or go along with such Prisoners.

And your Petitioners humbly beg Leave to acquaint your Lordships, That Mr. *Huggins* is evasive in his Assertion of the Clerk's taking 5 s. for enquiring after a Prisoner's Security; whereas that Clerk has, for some Time since demanded and received, and now demands and receives 10 s. for such Enquiry, and the Favourite Turnkey, or Porter, five Shillings more on the same Account; which your Petitioners humbly hope your Lordships will take into Consideration; and beg Leave to refer to the Affidavits of Joseph Jennings, Anthony Franklin, & al.

II. Your Petitioners submit themselves to the Act 8 & 9 W. III. and to your Lordships determination thereupon, whether it was ever intended, That 2 s. 6 d. for the Room, and 2 s. 6 d. for Furniture, should be paid Weekly for each Room; especially when all, or most Part of the Furniture thereof was, long since (as your Petitioners are informed, and believe will appear by Mr. Huggins's Patent) paid for at the Expence of the Crown; and now, thro' Length of Time, is become rotten, and so much worn, that most Part thereof is scarce worth, in Value, more than one Week's Rent, according to Mr. Huggins's Account. But your Petitioners humbly presume, the illegal Practices of former Wardens will not, in your Lordships Judgment, be sufficient to excuse, in like Cases, the present; tho' it is notorious, that Rent is now taken of Prisoners before they have Possession of any Chamber, Bed, or other Furniture to lie on, the Rent being always demanded from the Moment they enter into the said Prison, altho' often it is several Weeks before they can get any Part of a Chamber; for the Proof of which, your Petitioners most humbly crave Leave to refer to the Prothonotary's Report.

And if two or more Persons lodge in one Chamber (which is frequently the Case) the Warden demands two Shillings and six Pence from each of them, for the Use of such Chamber; which your Petitioners humbly conceive to be expressly contrary to the said Act of 8 & 9 W. III. And your Petitioners think it very material to their Purpose to observe, That the Preamble of that Act, as well as other Passages in it, make particular Mention of the great Extortions, and exorbitant Demands that Wardens of the Fleet, and other Goalers were guilty of; and amongst other Things, specifies the Article of Chamber-Rent, as a particular Instance of Injustice; and for the prevention of such Impositions for the future, and that the Warden might not make his Demands with such an extravagant Latitude, he is commanded by that Act, to take no more than 2 s. 6 d. per Week from any Prisoner, or Prisoners, for the Use of any Chamber whatsoever, the natural Sense of which Expression, your Petitioners humbly imagine to be this, That where several Prisoners are lodged in one Room, the whole Rent is to be but 2 s. 6 d. per Week, of which such Prisoners, when two, or more, are only to pay an equal Proportion; and as that Act takes no Notice of any other Sum due for Furniture, your Petitioners humbly presume, that the Legislature thought two Shillings and six Pence per Week, a sufficient Price for a Room in Prison, with its miserable Accommodation of Furniture.

Your Petitioners cannot, by the most earnest Application, obtain any Copies of the Rules and Orders pretended to be made by this Honourable Court, the Courts of Chancery and Exchequer, whereby every Prisoner is charged with 4 d. per Week for the Minister, which (with besides 2 d. paid him on every Commitment) is after the Rate of 17 s. 4 d. yearly from every Prisoner, which is more than any House in the City of London of 100 l. per Annum pays to their Parson & Comb. Annis, mountsto a large Sum, being paid as well by all Prisoners within the Rules of the said Prison, as those within the House, out of which the Warden allows the Minister but 80 l. or 80 Guineas per Annum, whereby a great Sum of Money is yearly sunk into the Warden's Pocket, for which your Petitioners know no Reason, especially if there is any other Provision made (as they are informed there is) for such Chaplain or Preacher.

III. The Store-Rooms ought to be opened, and the Goods and Furniture therein (if any such there be) distributed to such Lodging-Rooms as are in Want thereof, as every Room in the House may more or less require.

There are Persons, who (by their own Confession) are no Prisoners, admitted to have Lodgings in the House; besides others, who have the Liberty of the Rules, and ought therefore to lodge out of the said House, that the Prisoners closely confined, may not be straitened for Room; for Proof of which, your Petitioners beg Leave to refer to the Prothonotaries Report.

IV. The Furniture not being sufficient, or as usual, may probably be contrary to Mr. Huggins's Knowledge, by reason he has not for a long Time been in, or near the said Prison; but your Petitioners aver, that the Furniture which now remains is dirty, ragged and rotten, and thro' Neglect of his Chamberlain, or Servants, so over-run with Vermin, that there is not what is fit for Men to lye on, there having been no new Furniture to the Knowledge, or Belief, of your Petitioners, at any Time set up in any of the Rooms, at the Expence of Mr. Huggins; and your Petitioners hope, your Lordships will not think the breaking, tearing or burning the Goods as pretended, a sufficient Allegation to excuse the repairing or renewing thereof, when every Prisoner, who becomes so happy, to be discharged from this Place, is held undoubtedly lyable to, and make Satisfaction for all wilful damages, particularly of that Kind.

V. The House, Drains, Gutters and necessary Houses are greatly out of Repair, and the Prison was, until such Time as your Petitioners procured the same to be cleansed by a Contribution of above 12 s. per Week, (now paid by your Petitioners) in such a foul and filthy Condition, that the Healths of the Prisoners were endangered, which former Wardens were very careful of, and kept Servants on Purpose to cleanse the same once or twice a Week, which your Petitioners are now forced to do at their own Expence.

Your Petitioners beg Leave to acquaint your Lordships, That about the Day before the Prothonotaries came down to the Fleet, the Warden did indeed give some Relief to their Complaints in this Particular, but has done nothing since therein; and the Glazing which he promised the Prothonotaries to do, is still left undone.

VI. Your

VI. Your Petitioners admit, that the Copies of the Fees (as set forth by Mr. *Huggins*) were framed and hung up; but the same, above nine Months since, were taken down by *Walter Barling*, one of the Porters of the said Prison, by the Orders of Mr. *Guybon*, on the Pretence of cleaning the same, as appears by *John Jeffers's Affidavit*; and have not (tho' often requested by your Petitioners) been since set up, the better to impose upon the Prisoners (as your Petitioners apprehend) illegal Fees, which are daily demanded and taken by the said Mr. *Guybon*, and the Officers and Servants belonging to the said House.

VII, VIII. Your Petitioners beg Leave to observe how ineffectual and needless Complaints would have been to Mr. *Huggins*, when he excuses himself from being any Ways answerable for the exorbitant and illegal Fees imposed and taken by his Clerk of the Papers, whom your Petitioners apprehend to be one of the Officers, or Servants, belonging to the said Prison, for whose Misbehaviour the Warden is accountable: Wherefore, your Petitioners humbly crave your Lordship's Assistance, in relieving them from the illegal Demands of the said Clerk, and his Successors.

IX. Your Petitioners most humbly apprehend Commitment-Fees, so often as Prisoners shall be afresh committed, after their Removal by Creditors from hence to the King's-Bench, and from thence back again hither, is unreasonable, and a great Hardship upon the poor Prisoners: Wherefore if the same ought, in your Lordships Judgment, to be paid, your Petitioners hope your Lordships will think it reasonable, that such Fees be discharged by the Plaintiff who shall remove any Prisoner.

X. Your Petitioners humbly beg your Lordships to observe, that, altho' there never was in any former Warden's Time to Mr. *Huggins's* Knowledge, or Belief, any Accompt, or Table, hung up in the said Prison, of the Gifts and Bequests from Time to Time given to this Prison, that such Allegation will not be of Force sufficient to elude and frustrate so good a Law for that Purpose, provided by 22 & 23 Car. II. which might be reasonably thought Mr. *Huggins* would never refuse to comply with, did not he receive some private Advantage in concealing the same, especially where such a Table would not only be of the greatest Satisfaction to the poor Prisoners, but also the surest way to remove any Prejudice your Petitioners too justly conceived on that against him; and should it be objected, that the Prisoners on the Master's Side of this House had no Right to complain of the Want of such Table of Gifts and Bequests, yet your Petitioners humbly hope, your Lordships will think yourselves (according to your usual Justice) oblig'd strictly to inquire into the Truth of the Premises, and give Directions and Orders, that a true and just Accompt of such Gifts and Bequests; and by whom, and for what Uses given and secured, be set up in the said Prison, according to the Direction and intent of the said Act of Parliament; and that a true and righteous Distribution and Application may be made of all such Gifts and Bequests, according to the Intentions and Wills of the several respective Donors.

XI. Your Petitioners humbly hope, Mr. *Huggins's* positive Assertion of the Prisoners being ungovernable in General, will not gain any Thing (were it true) upon your Lordships, when they can boldly say, that considering the unequal Mixture of Mankind amongst them, with their Numbers, the Prisoners are to a wonder, quiet and peaceable under their Afflictions and unhappy Circumstances. And for the better Government of those few that are otherwise, your Petitioners hereby again most humbly Request of your Lordships, that according to the Tenor of their Petition, your Lordships will grant them a sufficient Power to suppress and discourage all such who shall at any Time be guilty of any Outrage or Misdemeanour, so that the Quiet of the Rest may be the better preserved; and beg leave to observe, that were your Lordships pleased to visit and inspect this Place, you would conclude the Unhappiness your Petitioners labour under for want of necessary Accommodations, far greater than your Petitioners have been, or are able in Words to represent. And that till such Time as this miserable House is furnished; little or no Rent, can be reasonably expected; to prevent the Payment whereof, there is no such solemn Agreement, or Combination, as is (without any Reason) so confidently (amongst other Things) and falsely affirmed by Mr. *Huggins*, who, for several Years has been a Stranger to his Prisoners.

And as your Petitioners Injuries and Complaints are General, and tho' they were afraid to give your Lordships unnecessary Trouble in the Number of Subscribers, they humbly Hope, this Will be thought to be sufficiently attested, and that your Petitioners shall be relieved in all the Premises, and that whatever your Lordships shall think proper to direct therein, may be made a Rule of Court, which, in Deference to your Lordships known Justice and Equity, will, with a general Satisfaction, become a Pleasure to be Strictly, and with all Humiliaty, obey'd by your Petitioners.

Your Petitioners are highly sensible of the great Trouble and Trespas upon your Lordships Time, which has been occasioned by laying before your Lordships such a Number of their Grievances; but hope Pardon from your Lordships Goodness and known Justice, in inclining readily to hear and redress all just Complaints, which your Petitioners humbly hope they have made theirs appear to be, so far as to induce your Lordships to judge Mr. *Guybon* altogether improper for the Office he at present executes; and as your Petitioners have already suffered so exceedingly from his Avarice, and Insensibility of Justice and Candour, they most humbly implore your Lordships, not to permit such an important Station to be so unequally filled; but that

that a Person may be nominated in his Room, who may treat your Petitioners, and the Prisoners hereafter, with more Humanity and Justice, and not oblige them to the disagreeable Necessity of troubling your Lordships any more with their Grievances and Complaints.

And your Petitioners (as in Duty bound) shall ever pray, &c.

Alexander Anstruther.	J. Lumley.	Samuel Humphreys.	Thomas Brailsford.
Isaac Singleton.	John Watkins.	George Toller.	Thomas Paine.
John Irwin.	Henry Raines.	T. Farrington.	John Lowdon.
Robert Priestley.	R. Catchlove.	John Barnes.	John Hopes, Junior.
James Mitchell.	Alexander Ascough.	William Dobyns.	Joseph King.
Simeon Betts.	Daniel Woodcock, Jun.	Thomas Bray.	Charles Giles.
Thomas Deane.	William Greenwood.	M. Wilson.	Joseph Jennings.

Soon after the coming in of the Prothonotaries Report, and Reply of the Prisoners, the then Lord Chief Justice KING, was made Lord Chancellor, and to whom the present Chief Justice EYRE succeeded, and the Prisoners lost their great Patron: The Persons then applied to my Lord Chief Justice EYRE, by Petition, about the Answer of Mr. Huggins, the Prothonotaries Report, and their Reply, in the Time of his Predecessor.

To the Right Honourable Sir ROBERT EYRE, Knt. Lord Chief Justice of the Court of Common-Pleas, and to the rest of the Judges of that Court.

The Humble Petition, as well of the several Persons confined for Debt, within the Fleet-Prison, as of those that are within the Rules of the said Prison.

Sheweth,

THAT this Honourable Court was pleased last Michaelmas-Term, upon your Petitioners, presenting several Petitions, complaining of the many Grievances they laboured under, from the Male-Administration of the Warden of the said Prison; and particularly of Mr. Thomas Guybon (who Acts as his Deputy) to refer the same to the Prothonotaries of this Court, to examine into the Matter thereof, and thereupon to make their Report; which they have accordingly done.

That the Warden did, in Hillary-Term last, give in an Answer to the said Report, to which Answer your Petitioners made a Reply: All which lie before your Lordships.

And for as much as your Petitioners are not yet relieved in any one Thing complained of in their Petitions; but rather Labour under greater Grievances: And as Accidents have happened which have hindred this Honourable Court from taking such their Complaints into Consideration.

Your Petitioners therefore most humbly pray, That your Lordship will be pleased to consider of the said Report, not doubting but they shall then soon be relieved; and that the said Warden, and the said Mr. Guybon, may be obliged to return the several Sums of Money to the respective Persons, or their Representatives, from whom they have received over and above their Due; and Request that the said Mr. Guybon, may be removed from acting as Deputy Warden,

And your Petitioners, as in Duty bound, shall ever pray.

Tho. Brailsford.	Will. Howard.	Morgan Gwynn.	Edward Jenkins.
Tho. Bray.	Thomas Ridout.	John Cusack.	Perient Trott.
Major Wilson.	Joseph King.	Thomas Payne.	Roger Westly.
John Lowdon.	Thomas Dean.	John Etheridge.	S. Beteilke.
Steph. Bareman.	William Collings.	Gershom Flowerree.	Nich. Trott.
Thomas Watkins.	John Castle.		

In Answer to this Petition, my Lord Chief Justice EYRE was now pleased to tell the Prisoners Solicitor, That the Matters should be considered before the Judges went the Circuit; but then the last Insolvent Act intervening, and many Prisoners being discharged out of the Prison, all Matters rested till the Prison filled again; and the Grievances encreased in Proportion, which in January 1725, produced a second Petition to my Lord Chief Justice EYRE, with additional Complaints annexed, to which near a Hundred Prisoners subscribed, as the Constitution Books make appear.

To the Right Honourable Sir ROBERT EYRE, Knight, Lord Chief Justice, and the Rest of the Honourable Judges of his Majesty's Court of Common-Pleas.

The humble Petition of the unfortunate Gentlemen and others, confined in his Majesty's Prison of the Fleet.

Most humbly Sheweth,

THAT your Petitioners have for several Years laboured under the greatest Hardships and Oppression, from the Tyranny and illegal Practices of our Warden, his Deputy, and other his Officers, which your Petitioners about two Years ago, with all Humility laid before the
now

now Lord Chancellor, then Lord Chief Justice of this Honourable Court, who with great Marks of Compassion towards us, was pleased to order the Prothonotaries to come to this Prison, to examine into our Complaints.

That in Obedience thereto, the three Prothonotaries attended here for several Days, and in the Presence of Mr. *Huggins* and his Deputy Mr. *Guybon*, and his inferior Officers, heard our Complaints, and examined into the Truth of them; and also what Mr. *Huggins*, and his Deputy could say for themselves, in Answer to the several Charges your Petitioners proved against them; all which are particularly set forth in a Report drawn up, and signed by the Prothonotaries, with Mr. *Huggins*'s Answer, and your Petitioners Replication thereto; and is ready to be laid before your Lordships, and this Honourable Court.

That notwithstanding your Petitioners have, by manifest Proofs, maintained all their Charges in the said Report contain'd, and the Rebuke the Warden received from the Prothonotaries for his Male-proceedings towards us; and although they at that Time obliged him to return seven or eight Guineas, which he had forced from one Mr. *Jennings*, then a poor Prisoner here; yet instead of any Abatement of his cruel and illegal Administration, and submitting to be satisfied with the known, and established Fees of his Office, he notoriously continues the same Practices, not only in exacting larger Fees; but also in establishing new ones, and such as have not the least Foundation or Authority; but are altogether arbitrary and illegal, and extorted from the poor Prisoners merely through Avarice, and the exorbitant Power he Exercises here in open Defiance of all Law, and Contempt of this Honourable Court; and unless your Lordships shall think fit to put a Stop to these Proceedings, not only in redressing our many and daily Grievances; but also in explaining and ascertaining all Fees whatsoever, that are of Right due and payable to the Warden, and his inferiors Officers, we must yet remain under the greatest Misery and Oppression.

But if we are not properly relievable by this Honourable Court, we humbly beg your Lordships Countenance in applying to the approaching Parliament, that the excessive Fees taken of us may be moderated, and that Life may, in some Measure, be made more easy to us, under our Affliction, and unhappy Confinement.

That Mr. *Guybon* the Deputy-Warden, being the only Person acting here, we attribute most of our Misfortunes to his Avarice, Inhumanity, and want of Judgment; and humbly beg leave to represent him (as he really is) a very unfit Person, and no ways qualified for the Charge and Execution of such an Office.

Your Petitioners therefore most humbly pray, That the said Mr. *Guybon* may be removed from his Office of Deputy-Warden, and that he may be compelled to restore all such Fees to the Prisoners, or their Representatives, which he has most unjustly taken; and that for the future, all Fees payable by the Prisoners, may be established and explained by this Honourable Court; and that we may be otherwise relieved in the Premises; in order to which, we humbly beg, that the Prothonotaries Report, with Mr. *Huggins*'s Answer, and our Replication thereto, as also the Complaint annexed to this our Petition, may together be laid before your Lordship, and this Honourable Court, that we may be heard thereupon by our Council and Solicitor, within the approaching Term: And we humbly beg the Indulgence of this Honourable Court, that Two of the Prisoners from amongst us may have leave to attend the said Hearing, for the better Instruction of our Council and Solicitor, your Petitioners being ready to maintain, and make good their several Charges, all which they most humbly submit to this Honourable Court.

And your Petitioners, as in Duty bound, shall ever pray.

The several Complaints of the Prisoners in the *Fleet-Prison*, referr'd to in the Petition annexed.

I. **T**HAT the Warden Demands 2 *l.* 4 *s.* 6 *d.* as a Commitment-Fee from all Persons that come on the Master-side, besides 2 *s.* more for the Minister, which in all 2 *l.* 6 *s.* 6 *d.* from the Degree of an Esq; Gentleman or Gentlewoman, to the meanest Person of either Sex.

Whereas by the Ancient Table of Fees, and according to the Warden's Patent, as given into the House of Commons 1693-4, by *Thomas Fox* the then Warden, the said Commitment-Fee for an Esq; Gentleman or Gentlewoman is no more than 1 *l.* 6 *s.* 8 *d.* and 16 *s.* 4 *d.* for the first Weeks Commons; and the Commitment-Fee for Yeoman 13 *s.* 4 *d.* and 6 *s.* 10 *d.* for the first Weeks Commons; but as these Commons have been now discontinued a long Time, we humbly apprehend, that the Warden has no right to demand the 16 *s.* 4 *d.* from any Esq; Gentleman or Gentlewoman, or the 6 *s.* 10 *d.* from a Yeoman or Trader; and therefore his Commitment-Fee for an Esq; Gentleman or Gentlewoman, can be no more than 1 *l.* 6 *s.* 8 *d.* and for a Yeoman, or Trader 13 *s.* 4 *d.* only, altho' he pretends the Court hath settled the Commitment for an Esq; Gentleman or Gentlewoman, Yeoman or Trader, without Distinction, at

Affidavit of David Boyes,
and J. Collet, N^o 1.
R. Combes and J. Collet, II.
Eliz. Lepointz, IV.
Hen. Topping, V.
Arch. Paterfon, VI.
Tho. Upton, XII.
Geo. Male, XX.
Antho. Franklin, XXII.
Joseph Jennings, XXIV.
William Steel, N^o XXXV.
Capt. Martin, XXXII.

2 l. 6 s. 8 d. on the Master's-side; which if so, we humbly apprehend, the same was never intended to be paid without the Benefit of the first Week's Commons, since that is made Part of the Money.

Affidavit.
Tho: Goldby, and Antho.
Franklin, N^o III.

II. That the Warden demands and takes 1 l. 6 s. 4 d. from each Prisoner on the Wards or Common-side as a Commitment-Fee, and has inserted the same in a pretended Table of Fees, which he has sent to be hung up in the House.

Whereas by the ancient Table of Fees, and according to the Warden's Patent aforesaid, we humbly apprehend, That he is not entituled to a Commitment-Fee, or any other Fee whatsoever, but only 7 s. 4 d. on Discharge of every such Prisoner; and the same (in his Patent, and the Table of Fees before mentioned) is called the Dimission-Fee.

Dav. Boyes and J. Collet, I.
Eliz. Lepointz,
Henry Topping,
George Male, XX.

III. That notwithstanding it is plain, that no more than one Commitment-Fee can be due, and payable to the Warden from one Body, he however Demands several, as the Case happens; for when any Person is committed to the Fleet, he not only Demands that illegal Fee of 2 l. 6 s. 6 d. from every one on the Master-side as above; but he Demands also the like Fee for every Action the Prisoners surrendered to, before the Judge whereby it often happens, that one Prisoner pays ten Commitment-Fees instead of one, which comes to 22 l. and but few Prisoners come to the Fleet, that have not one or more Surrenders to make in Discharge of their Bail, and which Fees he distinguishes by the Name of Surrender-Fees.

Whereas in the ancient Table of Fees, as well as those of his Patent given into the House of Commons, as aforesaid, which we humbly apprehend are all the Fees his entituled to, either by he is Patent or the Authority of this Honourable Court, we find no mention made of such Surrender-Fee (as he call it) due to the Warden; and therefore we presume, that no more than one Commitment-Fee is due for the Body of any one Person on his coming into the Fleet, notwithstanding how many Surrenders soever he makes in Discharge of his Bail and that the Sum is a gross and notorious Imposition, and such excessive Fees often tend to the Ruin of the poor Prisoner and his Family.

Dav. Boyes and J. Collet, I.

IV. That on the Commitment of any Prisoner, the Chamberlain demand 5 s. as his Fee, and for the first Pair of Sheets; and 2 s. for every Pair afterwards; and altho' the Prisoner hath no Sheets from the Chamberlain, or hath his own Linnen, he notwithstanding demands his Fees (as he calls it) of 5 s. before the Prisoner can be furnished with a Room.

Whereas in the ancient Table of Fees, his due is no more than 1 Shil. and is mentioned in the Patent aforesaid, to be no more, and we humbly apprehend the Chamberlain's-Fee of 5 s. to be a great Imposition upon the Prisoners.

Dav. Boyes and J. Collet, I.
James Collet, and R.
Combes,
Eliz. Colingwood,
Tho. Upton, VII.

V. That on the Discharge of a Prisoner either by the Creditor, or by *Superfedeas*, the Warden demands 10 s. for each Action the Prisoner stands charged with on the Books.

Whereas by the ancient Table of Fees, as well as by the Patent aforesaid, we humbly apprehend, that he is entituled to no more than one Fee on the Discharge of each Prisoner, though he be charged with ever so many Actions; which in the Warden's Patent, and the Table of Fees before mentioned, is called the Dimission-Fee, and is no more than 7 s. 4 d. he only discharging the Body, and not the Actions.

James Collet and Richard
Combes, II.
Tho. Goldby, and Antho.
Franklin, III.
Henry Topping,
Eliz. Colingwood,
Tho. Upton, VII.

VI. That on the Discharge of a Prisoner, the Clerk of the Papers Demands and takes of him 2 s. 6 d. and sometimes 5 s. for a Copy of his Causes, besides 2 s. 6 d. more for a Certificate of such Causes, on the same Piece of Paper; and upon his Discharge, either by *Superfedeas*, or by his Creditor, the said Clerk of the Papers demands and takes for each Action, inserted in the *Superfedeas* or other Discharge, 2 s. 6 d.

Whereas he has no right to demand more than 1 s. of any Prisoner for the Copy of his Causes, and according to the plain and natural Construction in the Words in the ancient Table of Fees, we apprehend that no more then 2 s. 4 d. is his Fee for each *Superfedeas*, and not 2 s. 4 d. for every Action included in such *Superfedeas*, it being very common to have several Actions superceded in one Writ of *Superfedeas*; therefore taking 2 s. 6 d. for every Action, is a very plain Imposition upon the Prisoners, he taking many Fees instead of one, which only is his Due; besides no mention is made of any such Fee due to him, in the Warden's Patent before mentioned.

VII. That

VII. That on the Discharge of every Prisoner (after taking such Fees as aforesaid) the Clerk of the Papers also demands and takes another Fee of 5s. for a Certificate to the Warden of the Prisoners Discharge.

Whereas no mention is made of any such Fee due to him, either in the ancient Table of Fees, or in the Warden's Patent before-mentioned, but is a new invented Fee; and we humbly apprehend the Sum to be a gross Imposition on the Prisoners.

VIII. On the Discharge of a Prisoner, Mr. Hopkins, Clerk of the Inquests, demands and takes from every such Prisoner, two Shillings and six Pence for every Discharge, which he calls a Fee, for Enquiring whether the said Discharges were actually signed by their Plaintiffs, or their Plaintiff's Attorney; and for getting them to acknowledge their Hands, in Order, as he pretends, to satisfy the Warden, altho' such Discharges by the Plaintiffs, or their Attornies are generally signed here, in Presence of some of the Warden's Officers: However, Mr. Hopkins insists on two Shillings and six Pence, and is countenanced by the Warden in taking the same for every Discharge.

Whereas we apprehend, the Clerk of the Enquiries is not intitled to any Fee, but for one enquiry after such Securities as are offered by the Prisoners, for the Liberty of the Rules of this Prison, and that the same is a new Fee, and but lately heard of, and not so much as mentioned in the ancient Table of Fees, nor the Fees in the Warden's Patent aforesaid; nor do we apprehend he has any Colour or Authority for executing the same.

IX. That the Turn-Key demands two Shillings and six Pence for his Fee, on the Discharge of every Prisoner, and sometimes five; and is so far countenanced by the Warden therein, that he frequently stops the Prisoner till he pays it.

Altho' by the ancient Table of Fees before-mentioned, and the Warden's Patent, we humbly apprehend, that no more than one Shilling is due to him as his Fee, under the Denomination of Porter, there being no such Officer as Turnkey mention'd in the Tables of Fees, or Patent aforesaid.

X. That it being the Custom of the House, to deliver the Prisoner's Declarations to the Turn-Key, he takes upon him to demand one Shilling from the Prisoners for every Declaration, for Want of which Shilling, the Prisoner often has Judgment obtained against him by Default, which is many Times very fatal to the poor Prisoners.

Whereas we apprehend this Fee to be of his own making, no Mention being made thereof in the Table of Fees, or the Warden's Patent before-mentioned; nor has he any Authority to demand the same, that we know of.

XI. That the Day-Rule, wherewith the Court hath indulged the Prisoner's to go abroad in Term-Time, as absolutely necessary to sollicite his Affairs, and make up with his Creditors, is now (by the Warden's Management) rendered altogether useless and impracticable; he insisting, That the Prisoner must first give him two good Securities, for twice the Sum he stands charged with on the Books, which Securities are to enter into Bonds to the Warden, for the Prisoner's safe Return; and for which he receives a Fee, or Fees, of one Pound five Shillings, and oftentimes more.

Whether this be agreeable to the Sense and Intention of the Court's Indulgence to the miserable Prisoners, is humbly submitted to their Consideration; and it is plain, That Mr. Huggins's Answer to this Particular in the Prothonotaries Report (where he says, That he knows of no other Security taken, but a Note signed to the Warden for the Prisoner's Return) and that all the Expence to the Prisoner, is only five Shillings to the Clerk of the Enquiries, is false and trifling, and a mere Imposition on this Honourable Court: And if a Day-Rule is not to be had without such Security, and Expence, it is very unlikely a poor Prisoner should obtain it: Therefore, unless a poor Prisoner may be admitted to go out on a Day-Rule in Term-Time, in Custody of a Keeper, and without Security as formerly, (and is now the Practice of the King's Bench) the Condition of the Prisoner is more miserable than ever, and the Courts Indulgence of a Day-Rule is become of no Use; for the Rest of this Particular we refer to our Replication in the Report.

XII. That the Warden demands, and takes two Shillings and ten Pence per Week from every Prisoner on the Master's-Side, for his Lodging, or Chamber-Rent; and tho' there is seldom less than two, and two often three Persons in one Room, he nevertheless demands two Shillings and ten Pence

Affidavit
James Collet, and Richard
Combes, No. II.
Eliz. Collingwood, VII.

David Boyes and J. Collet, I.
James Collet, and Richard
Combes, II.
Henry Topping, V.
Eliz. Collingwood, VII.
Thomas Upton, XII.

David Boyes and J. Collet, I.
James Collet, and Richard
Combes, II.
Eliz. Collingwood, VII.

John Stanhope, J. Collet,
John Lowdon, and Ni-
chol. Comer, XXVII.

James Collet, and Richard
Combes, II.
Arch. Paterston, VI.
David Boyes, VII.
Wilfon and Farrington, X.
Barbara Bush, XXVI.

David Boyes, and James
Collet, I.
James Collet and Richard
Combes, II.
Eliz. Lepointz, IV.
Weekly

Affidavit.

Henry Topping, N^o. V.
 Tho. Upton, XII.
 Robert Rochford, XIII.
 Geo. Male, XX.
 James Agnew and Roberts, XXI.
 Joseph Jennings, XXIV.
 Barbara Bush, XXVI.

Weekly from each Person, of which he reckons four Pence for the Minister, which is seventeen Shillings and four Pence *per Annum* from each Prisoner; and considering the Number of Prisoners in the Rules, from whom also, the Warden receives four Pence *per Week*, the whole must amount to at least, four or five hundred Pounds *per Annum*; and yet the Warden pays the Minister, who is Mr. Arch-Deacon *Franks*, no more than forty Guinea's *per Annum*, and the Payment of which is always obtained with a great Deal of Difficulty, as Mr. *Franks* has often complained of; and where a Prisoner hath no Room at all, he nevertheless demands the same Rate, two Shillings and ten Pence *per Week*, till the Time of such Prisoner's Discharge, tho' he hath been without any Room the whole Time, and will not discharge any Prisoner without Payment thereof.

Whereas it is very plain, by the Express Words of an Act of Parliament, made in the 8th and 9th Year of King *William III.* taking Notice of the great Sums of Money taken by the Warden of the Fleet from the Prisoners, for Chamber-Rent, which enacts, *That no Prisoner, or Prisoners, shall pay to the Warden more than the Sum of two Shillings and six Pence per Week, for any one Chamber; and that no Prisoner, or Prisoners, shall pay, or be compellable to pay Chamber-Rent for any Chamber, unless he, or they, are actually so long in Possession of such Chamber: And that they shall not pay Rent for any Chamber, for any longer Time than they are actually in Possession of such Chamber; and that the Warden taking and demanding more, for every such Offence, shall forfeit the Sum of 20 Pounds.*

But in open Defiance to this Act, the Warden as aforesaid, demands and takes two Shillings and ten Pence *per Week* from every Prisoner; and we apprehend by the said Act, That if two or more be in Possession of one Room or Chamber, they are to pay no more then their several Proportions of two Shillings and six Pence *per Week*, and to make up that Sum amongst them: And we hope, when the Prisoner furnishes the Chamber, the Warden shall abate of two Shillings and six Pence *per Week*, unless he will make it his Choice to furnish it himself, it being presumed that it was not the Intention of the Act to allow the Warden Chamber-Rent, for a naked Room without any Furniture, and so the Prisoners to pay two Shillings and six Pence to lie on the bare Boards: And we humbly hope, That the Prisoners in the miserable Rooms, over the Common-Ward, call'd, *Chappel-Stairs*, which were always let at two Pounds *per Annum*, and no more; though the Warden now demands two Shillings and six Pence *per Week*, and four Pence *per Week* for each Prisoner to the Minister, will be thought too unreasonable; and the Warden will not shew us by what Authority he demands the same: As to what we have further to say on this head, with the miserable Condition of the Furniture (where it is the Warden's) we beg leave to refer to our Replication in the Prothonotaries Report.

Silv. Edwards, XXXIII.
 Capt Cavenaugh, XI.
 Wilton Ralph, and
 Cowper, XXIII.
 James Thomson and Peter
 Scot, XXV.
 Henry Wilton. XXVIII.

XIII. That when the Prisoners are removed by *Habeas Corpus* from the *King's-Bench* to this Prison, such Persons generally bring their *Habeas Corpus* immediately after, for their removal Bail to the *King's-Bench* again; but the Warden detains the Prisoners here until he agrees to give him what he Thinks fit for the Allowance of such *Habeas Corpus*, and demands a Guinea to return the same, and the Clerk of the Papers demands 1 l. 5 s. more; and if the Prisoner is not able to raise the Money for such cruel and excessive Demands, he refuses to return the *Habeas Corpus*, whereby the Prisoner is greatly oppressed by loosing the Charges and Cost, as well as the Benefit of his *Habeas Corpus*, and is detained here contrary to all Law and common Justice; and when the Warden conceives any Prejudice or dislike to any Prisoner, for complaining of his excessive Fees, and Male-Administration, he often takes it in his Head to bring a *Habeas Corpus* in a fictitious Name to remove such Prisoner from hence to the *King's-Bench*, at his own proper Cost and Charges, in hopes he is then rid of him, as being unable to raise Money to defray the Charges of a *Habeas Corpus* to bring him back again; but when it proves otherwise, and the Prisoner does return again, the Warden demands, and takes a new Commitment-Fee, which repays him the Charges of removing him thither, and which is a most grievous Piece of Tyranny and Oppression, and if any Person is removed from this Prison to the *King's-Bench* by his Creditor; and the Prisoner, immediately move himself back again to this Prison, the Warden insists upon, and takes on every such removal a fresh Commitment-Fee.

Which

Which we humbly apprehend to be severe and unreasonable, and when any Prisoner has purchased the Rules of this Prison from the Warden, and the Prisoners Friends have enter'd into the usual Bonds for his Security, and paid the Charges thereof, in Case it happens how soon soever, that such Prisoner is removed by his Creditor to the *King's-Bench*, and he thereupon immediately brings a *Habeas Corpus*, to remove himself back to the Fleet again, the Warden immediately locks him up in the Prison, and demands a new Purchase of the Rules, and also fresh Fees for the same.

All which Practices we apprehend to be so cruel and inhuman; that we humbly hope, will not be allowed by this Honourable Court.

XIV. That the Warden on the Death of any Prisoner detains the Body from his Friends and Relations untill they will pay him, what Chamber-Rent was due from the Deceased; and in the mean Time his cruel and unchristian like Practice, is to make the best Bargain he can with the poor Family of the Deceased, for the Purchase of the Dead Body, in order to give it Christian-Burial at their own Expence, by which means he often extorts large Sums of Money, for granting the Relations the Liberty of taking away and burying the Dead-Body; which tho' a very natural and reasonable Desire, is nevertheless often frustrated by their Inability to purchase it, at his Price, and rather then accept of what may be in their Power to give him, he often suffers the Dead-Body to lye above Ground seven or eight Days, and often Times eleven or twelve Days, to the great endangering the Health of the whole Prison, by the nauseous Stench, which being often times the Cause, is very offensive all over the House; and when he has refused what he thought not worth his Acceptance, he buries them in the common Burying-place for Prisoners, when the Body is often taken up by their Friends to be bury'd their own Way, and the Warden seizes to his own Use the Cloaths, Furniture, and whatever else there is, for Fees and Chamber-Rent, which he pretends to be due from the said deceased Prisoner.

Whereas we apprehend all Bodies to be free after Death, and that he ought not on any Pretence whatsoever, to detain the Body when required by his Relations, and that he is strictly enjoined by Act of Parliament, not to seize or meddle with the Prisoners Furniture of his Room, either for Rent or any other Pretence whatsoever; and we humbly submit this inhuman Practice to the Consideration of this Honourable Court.

XV. That the Warden notwithstanding his repeated Promises to the Prothonotaries, above 2 Years ago, refuses to glaze and mend the Windows, and to put the House in reasonable Repair, and to keep it wholesome; and notwithstanding he daily receives Letters from the Prisoners complaining of these Things, as well as of the Stench of the Bog-houses, and the Dung-hills, which has not been removed this six Months (and consists at least of forty Tun of stinking Soil) and his repeated Promises to remove the same, and empty and repair the Bog-houses, we can nevertheless obtain any Redress; and have been forced to repair the Bog-houses by Contribution amongst ourselves, and are forced by a Weekly-Contribution amongst ourselves to pay two Prisoners for the cleaning the Sinks and Yard, and for setting up Lights at Night, and keeping the House clean and wholesome which Amounts to above ten *Shillings* per Week, and is constantly paid amongst us; that the Walls lately were so nasty and dirty, and so much out of Repair, that the Prisoners were forced to repair, and White-wash the same, at their own Expence.

Whereas we humbly apprehend, that all necessary Repairs of the House, and the Charge of cleaning and lighting the House, properly belong to the Warden, and were formerly done at his Expence; and humbly beg to be redressed in those Matters by this Honourable Court.

XVI. That according to an Act of Parliament, made in 22d and 23d Year of King CHARLES the Second, the Warden ought to hang up a Table of all Gifts and Bequests to this Prison, which he not only refuses to do, but pretends that the Prisoners on the Master-side, are no ways, intitled to any Benefit therefrom.

Whereas, by the express Words of the above Act, he is enjoined to hang up such Table of the Gifts and Bequests, which your Petitioners apprehend to be very large, that if the Advantage accruing to him thereby were not very considerable, he would not refuse to comply therewith; and we humbly hope, that he may be obliged to accout for and dis-

Affidavit:
Wil. Gardiner, Ne. XIV.
Tho. Farrington, XV.
Thomas Evans, XVI.

David Boyes, Jam. Colletts
James Cavenagh, and
John Sellers, XIX.
Robert Nalton, XVII.
John Ralphs, and Nathan
Cookley, XVII.

William Gardiner, XIV.
Tho. Evans, XVI.
Ralph and Cookley, XVII.

tribute all the Moneys, already received by him on such Charities, to the Prisoners, according to the respective Directions of the respective Donors.

All which Complaints Matters, and Things, contained in the aforesaid Articles, we are ready with Affidavits, to prove, and do with all Humility submit the Consideration thereof to your Lordship, and this Honourable Court.

After the preferring this second Petition, with the Complaints annexed, and of which the Lord EYRE, ordered us to give Mr. Huggins Copies, and which the Prisoners complied with, we were forced to prefer two more Petitions (of which Mr. Huggins was also ordered Copies) before we could get his Answer.

To the Right Honourable Sir ROBERT EYRE, Knight, Lord Chief Justice of his Majesty's Court of Common-Pleas, and the rest of the Justices of the said Court.

The Answer of John Huggins Esq; Warden of the Fleet-Prison, Mr. Thomas Guybon his Deputy, Mr. Robert Bygrave Clerk of the Papers, Mr. Daniel Hopkins, Clerk of the Enquiries, John Head and John Bouch, and Richard Scrivener, Chamberlain, to the several Articles of Complaint of the Prisoners in the said Prison, exhibited before your Lordships.

I, II. **F**OR Answer, My LORDS, to the first and second Articles exhibited, the Warden saith, he has not at any Time taken for the Commitment of any Esquire, Gentleman or Gentlewoman on the Master's-side, or other Person in the Wards, not taking Part of the Poors-Box, more or other Fees then were received by his Predecessors, and such as he humbly conceives he may justly claim, and which of right appertain to him as Warden, and in as much, as soon after his MAJESTY's Accession to the Throne, the like groundleis Complaints were made, at the Disquisition whereof at *Serjeant's Inn* in Fleet-street, the Resolution of the Judges on the 17th of February 1687, made on the like Occasion were read, allowing and approving of, and the Table of Fees therein specified, directed to be affixed, whereupon an authentick Copy, was framed and hung up in the Hall of the Fleet-Prison, and also a Copy of the Rules and Orders of the House, which said Copies the Prisoners have thought fit to destroy; wherefore about two Years since, your Respondent caused other Copies thereof to be hung up in the said Hall, which the Prisoners have likewise sportively and in Derision destroyed, but notwithstanding, to the End that there might not remain any Colour or Pretence for Ignorance therein, your Respondent since sent Copies of the same again (which were delivered to Captain *Martin*, one of the now Complainants) yet such is the restless and turbulent Humour of the Complainants as causelessly to cavil at and bring in Question the antient and known established Fees of the said Respondent the Warden.

III. The Warden, My LORDS, for Answer thereto saith, That if a Prisoner, comes over by *Habeas Corpus*, charged with many Actions, he takes but one Commitment-Fee, but if the Prisoner Surrenders in Discharge of Bail, on each Surrender is a new Commitment; and on every such Render the same Fees are repeated and paid at your Lordships Chambers, and to and for the Tipstaffs, and the Warden has always had the same Commitment-Fee, without the 2 s. to the Minister, which has been received by all the Warden's Predecessors, and so he found it at his Entrance into the Office, and has continued it ever since.

IV. To this, My LORDS, Richard Scrivener the Warden's Chamberlain saith, That he has never taken or demanded any greater or other Fee, then was formerly taken by other Chamberlains his Predecessors.

V. The Warden, My LORDS, for Answer thereto saith, That Ten Shillings was the ancient Fee taken for the Discharge of every Account of a Prisoner, and he found at his coming into his Office, that it had been paid to his Predecessors; and says, that it is a mistake to call the Dismission-Fee of seven Shillings four Pence a discharging Fee, for Dismission is meant *dimissere in Custodiam*, and that Fee of seven Shillings four Pence, is comprized and included in the Commitment-Fee of two Pounds four Shillings four Pence.

VI, and VII. To these my LORDS, Robert Bygrave, Attorney at Law, who now, and from the 13th Day of April 1725. hath held and officiated the Office of Clerk of the Papers, for himself answereth and saith, That on his Admission to the said Office, he received particular Directions from John Huggins, Esq; then and now Warden of the Fleet, not to demand, receive or take from any Prisoner, or any Person on their behalf, any Fee or Fees, other then the antient and accustomed Fees of Office, and such as have been usually paid to this Respondent's Predecessors, conformable to which Order and Directions of the Warden, this Respondent has always demeaned himself in his said Office; and not knowingly been guilty of any Innovation, unusual or indirect Practice, in demanding, exacting or taking any Fee or Fees, other then the usual and accustomed Fees, notwithstanding the several Matters suggested against the Respondent by the 6th and 7th Articles; and humbly hopes so to approve himself therein to your Lordships.

VIII. To this My LORDS, *Daniel Hopkins*, regular Clerk under Sir *George Cooke*, Knt. Chief Prothonotary of this Honourable Court, and Clerk of the Enquiries at the *Fleet*, for himself, answereth and saith, That he hath not, or doth not demand two Shillings and six Pence of every Prisoner for every Discharge; but only wherein he renders Service to the Party, more then equivalent to the Fee of two Shillings and six Pence; and humbly hopes to manifest the same to your Lordships, to be but a very moderate and reasonable Recompence for the Labour, Hazard, Trouble and Care attending his Service, and is no more then the usual and accustomed Fee, in the like Case; and the same as was paid to Mr. *Fitch*, this Respondent's Predecessor.

IX. and X. To these, My LORDS, *John Head*, and *John Bouch*, the Turnkeys, humbly say, That the several Fees in the said Articles complained of to be by them taken, are no greater, or other, then what were always demanded and taken by all Warden's former Turnkeys.

XI. The Warden, My LORDS, for Answer, saith, That he suffers all such Prisoners, at their own Request, to insert their Names in their Petition for Day-Rules, in whom he can think himself safe and secure; and when any Motion has been made to this Honourable Court, by such who have been denied the same, the Court has always directed that the Warden be made secure against such Prisoner's Escape, which has been usually done by Prisoners procuring some of their Friends to give a Note of their Hands every Day, for the safe Return of such Prisoner at Night, and to Secure and Indemnify the Warden; which the Prisoners finding difficult to themselves, and troublesome to their Friends, so frequently to repeat (as the Warden is lately informed) several of the Prisoners, for their own Accommodation, have for two or three Years last past, prevailed on Mr. *Charles Fitch*, late Clerk of the Enquiries, instead of such Notes, to take a Bond for the whole Term; and what Fee or Reward, the Prisoners and *Fitch* settled between them, the Warden is a Stranger to, being not done till since the Appointment of his present Deputy Mr. *Guybon*; but believes, That the Fees taken on such Bond and Enquiry after the Security, is less troublesome and less expensive to the Prisoners, and not attended with such Charges as suggested; nor doth the Warden receive or take any Benefit thereby, save only one Shilling, out of which is paid for the Day-Rule.

XII. To this My LORDS, the Warden for Answer, saith, That when he enter'd on his Office, Mr. *Charles Taylor* was Chaplain to the *Fleet*, and had been in the Wardenships of Messieurs *Ford*, and *Griardall*, this Respondent's Predecessors, during which time, Dr. *Taylor* having, as he often declared, to his great loss and disappointment, found the uncertain Profits arising from the Fees appointed to be paid by the Prisoners: He therefore for his own Accommodation comes to an Agreement with some one of the Wardens aforesaid, for a certain annual Sum, in which Channel, this Respondent found it at his Accession, and conformed thereto with Mr. *Robert Lydall*, Successor to Mr. *Taylor*; but this Respondent doth Aver and Affirm to your Lordships, That such Agreement is not continued with the Chaplain, by this Respondent's Desire, nor out of any sinister Advantage or Prospect of Gain; for your Respondent is ready to manifest by Oath, that to the best of his Knowledge, he never received for the Parson's Dues in any one Year, more then the Composition; nor will your Lordships, I hope, incline to believe the Complainants, better Benefactors, then those in Confinement before them, when I affirm to your Lordships, That those Gentlemen are in Arrear for Chamber-Rent Fees, and Parson's Dues, above a thousand Pounds; notwithstanding which great Debt, its unknown to your Respondent, that Mr. *Archdeacon Franks* has any real Cause of Complaint, nor does the Warden believe any Complaint is made by him; but the Complainants, instead of such false Suggestions, would much better shew their Zeal and Candour, by paying the just Dues as they ought; and as to the point of Chamber-Rent suggested, your Respondent has, to the best of his Judgment, confined himself to the Appointment of Law (nor will your Lordships, your Respondent humbly hopes) find Cause to think it otherwise; for your Respondent, at his coming to the Wardenship of the *Fleet*, found the Furniture there to be very mean and ordinary; and therefore for the better Accommodation of his Prisoners, expended in Furniture between eight Hundred and a thousand Pounds, and so disposed the same in the Apartments, that there was Room and Accommodation sufficient for all the Prisoners on the Master's-Side, without placing more then two in a Bed; and at this Expence your Respondent really was, for the greater Ease of those in the House; insomuch, the Lodging there became as Commodious, and Cheaper to the Prisoner then a Lodging in the Rules; notwithstanding which, and the Chamber-Rent is reduced so low, yet are the Complainants in Arrear for Chamber-Rent, Fees and Prison Dues, as beforementioned; and are so far from inclining to pay the said Dues, or suffering the usual Remedy to be applied for obtaining the same: That to the great Terror and Danger of the Wardens, and in Contempt of, and contrary to the several Rules and Orders for governing of the Prisoners; the Complainants have assumed to themselves the absolute Government and Disposal of the House, and in open Defiance, and against the Will and Consent of your Respondent and his Officers, do with-hold and keep the Apartments therein, insomuch that the Furniture of the House, is not only spoiled, but greatly embezzel'd; and the Complainants, the better to support their turbulent Behaviour, and effect their Conspiracy and Design, are formed into a Body, under the Stile and Title of a *Steward and Court of Inspectors*, carrying their Orders and Resolutions into Execution, even so far as inflicting Corporeal Punishment on their Fellow-Prisoners; that such as abhor, and would not otherwise conform to their Sentiments, out of safety to themselves, are

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terrified into a seeming Compliance with the new mock Court, and whence only Springs all the Confusion and Disorders; to which unwarrantable and licentious Behaviour in them, nothing less than your Lordships powerful Interposition can restrain or put a stop to.

XIII. My LORDS, the Deputy-Warden and Clerk of the Papers respectively say, That they do not know that any other then the just and usual Fees, have been demanded for the Allowance and Return of any *Habeas Corpus*, or that any Prisoner hath been detained on any unlawful Demands; but the said Deputy-Warden hath heard, and believes it to be true, that when Prisoners have been turbulent and unruly, or quarrellsome with their Fellow-Prisoners, it hath been usual for the Safety and Quiet of the House, both in the *King's-Bench* and *Fleet-Prison*, to procure *Habeas Corpus's* to remove them from one Place to another; but if such Prisoner, or any other Prisoner will bring themselves back again by *Habeas Corpus*, a new Commitment-Fee hath always been demanded: And as your Respondent, the Deputy-Warden conceives of Right, ought to be paid; or if a Prisoner, as suggested, hath purchased the Rules, and given Security; and afterwards his Creditor removes him to the *King's-Bench*, on such removal the Security-Bond becomes void; and if such Prisoner thinks fit to remove himself back again, by another *Habeas Corpus*, he generally comes back hither charged; but if not (which seldom or ever happens) the former Bond being Void, the Warden cannot be safe in granting the Rules again, but by taking new Security, and may deserve for such higher Charge, some further acknowledgment for the Rules; but never has been required to your Respondent's Knowledge, as suggested: And to such part of the 13th Article, as relates to the Clerk of the Papers, My LORDS, the Clerk of the Papers, for himself, humbly saith, That he doth not, or did demand and take one Pound five Shillings, or any other great Sum, for the return of a *Habeas Corpus com. causis*, to remove a Prisoner from the *Fleet-Prison* to the *King's-Bench*, but according to the number of Causes returned therewith.

XIV. For Answer thereunto, My LORDS, the Deputy-Warden saith, That scarcely a Prisoner hath died on the Master's-Side, that was not largely Indebted to him; and therefore possibly he may have used endeavours to get what part of the Money was due to him, as he could fairly from the Deceased's Relations.

And My LORDS, the Warden can't but observe to your Lordships, That the Complainants, under a Pretence of exhibiting Complaints, have taken occasion through their whole Address, approvingly to malign and traduce your Respondent, and impute to him great Cruelty and Oppression; wherefore your Respondent, the Warden, humbly hopes, it will not be thought Arrogance in him to declare, That in his Nature, he ever held the greatest Detestation and Abhorrence to exercise any acts of Cruelty or Oppression, or knowingly to permit or countenance such doings by any Person under him; nor in Truth, at any time hath your Respondent, the Warden, done or knowingly suffer'd, ought to be done, that might cause such scurrilous and virulent Aspersions from the Complainants.

XV. The Warden for Answer, My LORDS, saith, That when he engaged for repairing the Windows, which were requested only in the Passages, and not of absolute Necessity, being like the Stair-Cafe Windows in the Inns of Court: The Prisoners also undertook, and promised on their Parts, to pay their Fees and Arrears of Rent, but have not; and heretofore, when they were duly paid by the Prisoners, there was no cause of Complaint given in any of the Particulars, in this Article mentioned.

XVI. To this, My LORDS, the Warden for Answer, saith, A List of all the Gifts and Bequests to the poor Prisoners of the *Fleet*, is hung up in the Begging-Room of the Prison; and that it has ever been, and still is customary for the Prisoners of the Common-Side, who are entituled to the Charity given to the said Prisoners, to nominate to the Warden, a fit Person to be Steward; and the Warden approving of such Person, appoints him Steward accordingly; and the said Steward, so nominated and appointed, Collects and Gathers all such Gifts and Bequests, as are from time to time given to the said Prison, for the Relief of poor Common-Side Prisoners therein; and the said Common-Side Prisoners also make Choice of four Persons from amongst themselves, which are called Assistants to the Steward, which said Assistants Inspect his Accompts and Books of the Bequests, as often as they think fit; so that the Warden, nor no Officer under him, meddles therewith, under any pretence of Office, or can any ways defraud them by colour thereof; and the Warden, My LORDS, further saith, That there never was in any former Warden's Time, to his Knowledge or Belief, any Account hung up in the said Prison, of such Gifts and Bequests as are given to the said Prisoners, they having liberty at all times to inspect the Books of the said Steward.

And My LORD, for as much as the Warden and his Officers, in and by their several and respective Answers, have severally and respectively, fully answered and traversed, or denied all and every the Matters exhibited in the Articles of Complaint, material for them to make Answer unto do, most humbly submit themselves to your LORDSHIPS.

The Prisoners forthwith made their Observations on this Answer, by way of Reply.

The Prisoners forthwith made their Observations on this Answer, by way of Reply.

The Prisoner's OBSERVATIONS, on Mr. Huggins's Answer to their COMPLAINTS.

MR. Huggins, does not deny his taking two Pounds six Shillings and eight Pence as a Commitment-Fee, for all Prisoners on the Master's Side; and alleges, he takes no more than his Predecessors, which he says, are of right his Due; and that the Judges, in 1687 settled the same; but he does not say what those Fees are. And if what he alleges be true, they have since that time been settled otherwise, viz. in the Year 1694, by the Table of Fees, as collected and given, by order of all Courts in *Westminster-Hall*, and in that Year Printed, whereby it appears that no other Fees are due to him or his under Officers, then what we have charged in our Complaints; and as to a Confirmation of such Fees, the *House of Commons* in the same Year, ordered *Thomas Fox, Esq;* the then Warden of the *Fleet*, to lay before them the Fees due and payable to him, which he delivered in accordingly; and they appear to be the very same Fees as before mentioned, to be Printed in the same Year, when Printed Books, and the said Table of Fees, taken from the Records of the *Honourable House of Commons*, as deliver'd in by Mr. Fox, are ready to be produced; and the present Warden, Mr. Huggins's Patent, Vests him only with the same Power of his Predecessors. All which we humbly hope is an undeniable Answer to all he can say, his only Plea for his Extortions being Custom, and that his Predecessors have done the same: but we hope no Custom will prevail for such Corruptions.

N. B. By the Fees aforesaid, Printed in 1694; and by the Patent-Fees aforementioned, given in by Mr. Fox, there appears to be no such Fee, as a Surrender-Fee due to the Warden; but is a new created Fee of his own.

IV. The Chamberlain does not deny our Charge against him; but for Answer, like the Warden, Pleads Custom for what he takes.

V. 'Tis plain that this is as false as the rest; for by his own pretended Table of Fees, ready to be produced in Court, he Charges no more then seven Shillings and six Pence, tho' he here pleads Custom for ten Shillings, but takes no notice when he takes ten Shillings for each Action; and if the seven Shillings and four Pence, called the Dismission-Fee, both in the Patent and Table of Fees aforesaid, Printed in 1694, be understood as he says, and is included in his pretended Commitment-Fee of two Pounds four Shillings and four Pence; we apprehend that no Discharging-Fee is due to him, no such Fee being by Name of Dismission-Fee, mentioned in either. *Vid.* our Complaints.

VI. & VII. The Clerk of the Papers does not deny the Fee we charg'd him with, but pleads Custom. *Vid.* our Complaints.

VIII. This is no Answer to our Charge. *Vid.* the Complaints.

IX. & X. The Turnkeys does not deny our Charge, and like their Master, only plead Custom, *Vid.* our Complaints.

XI. The Warden does not deny our Charge, nor is it likely he should know his Deputy *Guybon's* exorbitant Demands on this Occasion, which our Complaints and Affidavits sufficiently make out, and we urge as Reasons to obtain Day-Rules, with a Keeper or Keepers, without Security.

It was formerly the Practice in this Prison, and the *King's-Bench*, where it is continued to this Day; for it is very rare that a Prisoner can get Security, being no less then Bail for double what he is charged with: And we presume, the Prisoner in Custody of a Keeper, with a Day-Rule, is as safe in the Warden's Custody, as when carried up by *Habeas Corpus*, to be Charged in Execution, or otherwise by *Habeas Corpus ad testificandum*, which happens every Term; and it frequently happens, that Prisoners are obliged to put in Answer to Bills in the Court of *Chancery*, whereby the Prisoner is obliged to pay two Guineas to a Master in *Chancery* to take his Oath; tho' by Day-Rule, one quarter of that Expence would Answer that End, and for want of the said two Guineas, the Prisoners are often ruined, being unable to put in their Answers: And where Prisoners have occasion to levy a Fine or suffer a Recovery, how fatal soever, the want of it may be to the Prisoner, he not being able to give Security, nor to have a Day-Rule in Custody of a Keeper, very often proves the Destruction of a Family.

XII. As to the uncertainty of the Four-pence per Week to the Minister, Mr. Huggins very well knows it cannot be, for no Prisoner is discharged without paying the Four-pence per Week as well as his other Fees; besides which, he receives two Shillings and six Pence of every Prisoner on his Commitment, which together amount to five hundred Pounds per Annum, at the least.

As to the Arrears of Rent, the Prisoners Answer, That the Rent is not settled, the Prisoners insisting to pay no more then two Shillings and six Pence for each Room per Week (tho' more then one Person in a Room) which he absolutely refuses to take, and that as to the eight hundred or a thousand Pounds, which he pretends to have laid out in furnishing the Prison, it is so far from being even probable, that almost all the Prisoners are forced to furnish their Rooms themselves, or go without; Mr. Huggins's Furniture of the whole House, having been lately Appraised, as per Prothonotaries Report, at thirty five Pounds ten Shillings.

As to the Reflection cast on the Prisoners in this Paragraph, as well of their Mock-Court, as he is pleased to term it; 'tis no more than a Compact or Agreement among themselves, to support an orderly Behaviour, which being voluntarily signed by all the House, is ready to be produced in Court; and we do aver, considering the several mixtures of Mankind amongst us, we live in as much Sobriety, Order and good Behaviour, as among such a number of Persons can any where be found; and the true Reason of all his Malice is from our Complaints against him; and tho' he evasively says, he takes no more Chamber-Rent, then according to appointment of Law, whoever refers to our Complaints, and insists upon the Act of the 8th and 9th of King William will find the contrary.

He makes not the least Answer to his taking Chamber-Rent of Persons who never had any Rooms, which is his daily Practice; and as to the poor Rooms on the Chappel-Stairs, usually lett at forty Shillings *per Ann* and for which he now takes two Shillings and ten Pence *per Week*, he makes no manner of Answer thereunto.

XIII. This Article is altogether evasively answer'd; and we refer to our Complaints and Affidavits to support them.

XIV. It is plain, that the Warden cannot deny this inhumane Practice of detaining the dead Bodies so long above Ground from their Relations, which he seems to think justifiable means to take his Rent; but we hope, that the Danger of his loosing his Rent, will not countervail with the Danger of infecting the whole Prison, whence an Infection may be spread through the whole City, and perhaps the whole Kingdom; and he takes no manner of notice of Seizing the Apparel and Goods of the deceased, contrary to all Law; and particularly an Act of Parliament made, *Vid.* our Complaints, and strong Affidavits to support them.

XV. The Windows, which Mr. Huggins says, were requested and promised to be mended by him, in presence of the Prothonotaries, were only in the Passages, which is utterly false, but the Windows of the whole House are in a very bad Condition; and the Prisoners exposed to the greatest Cold thereby, particularly the Great-Hall, which has been lately Glazed at our own Expence.

XVI. As to Cleansing, Lighting and Repairing the House, and Cleansing the Baghouses, removing the Dunghill, so offensive and dangerous to the Health of the whole House, he makes no manner of Answer; and when Chamber-Rent and Fees are settled, and reasonable Furniture to the several Rooms, which the Prisoners apprehend to be as much their right, as his Chamber-Rent, they will not be backward to provide Money for Payment of the same, out of which they humbly hope, they shall be allowed what they have laid out in necessary Repair, as well as what they have paid Weekly for the keeping the House sweet and clean.

XVII. All Mr. Huggins's Assertions, as to this Particular, are False and Groundless, there being no such Table hung up, or to be seen within the said Prison, either on the Master's Side or Common-Side, nor is there any distribution made to either, tho' the Act of the 22d and 23d of Charles the Second, expressly provides, That such Table of Gifts, &c. shall be hung up. And we desire Mr. Huggins to inform, if he can, how the Master's-Side came to be excluded the Benefit of such Charities, and by whom, *Vid.* our Complaints, and a late Affidavit of *Sylvanus Edwards, Anthony Franklin, and John Sheppard.* N^o 33. Prisoners on the Common-Side, made since Mr. Huggins's Answer came in.

The Act of 22d and 23d of Charles the Second makes no Distinction of Common-Side and Master-Side of this, or any other Person.

Sometime after this Answer of Mr. Huggins's given in, and the Observations of the Prisoners thereupon by way Reply, *viz.* in December 1726. the Matters of the Prisoners Complaints came to a Hearing before the Lord Chief Justice Eyre, and of which the following Letter from Serjeant Eyre, (directed to Mr. David Boyes) then the Prisoners Council, gives an Account as follows:

S I R,

I Hope, that the Account I now send will be as satisfactory to you, as if I waited on you personally; there was present only My Lord Chief Justice, the other Judges being either ill or out of Town, so that it was impossible to go thro' all the Articles; however, the Substance of them all was stated, and then we proceeded on the two First; after having, on our Part, made them out as effectually as our Instructions enabled us to do: The Warden's Council insisted on a Table of Fees settled by the Court of *Common-Pleas* in the Year 1687, and likewise on another settled in the Year 1716, signed by Sir George Cooke. It was replied, That the Table deliver'd into the House of Commons, was subsequent to that of 1687, and that a Paper signed only by Sir George, could not be of force to destroy that delivered into Parliament, that not being a full Answer to their Defence, and the Tables of 1687 and 1716, being a Surprise on us, it was desired that we might have Copies of them, in order to give a further Answer, when we attended again; the Warden, by his Council, open'd some Irregularities committed in the Prison, according to which you find contained in his Answer, and said, they

they had Affidavits ready to prove them; but the Affidavits were not read, neither did the Court declare whether there were any such Irregularities or not; but if there were such, it was the Opinion both of the Court, and your own Council too, that they ought not to be continued. I forgot to mention, that as to the two first Articles, Mr. *Huggins* produced two Witnesses, *viz.* Mr. *Whiting* and Mr. *Badham*, who swore, one for 20 Years, the other for 27 Years, that the Fees complained of in those two Articles had been constantly paid. I cannot but take Notice of a great Inconvenience you put your selves to by altering your Solicitors so often, so that your Council can never be well instructed; the Warden's Answer came to me but last Night, neither have I any Account of the Prothonotaries Report, which would give some light into the Affair; after you have Copies of the two Tables, which the Warden has defended himself by, and have well consider'd what particulars to insist on, you must again apply for another Day to be appointed, and you need not doubt it will be granted to you; as you and the other unfortunate Gentlemen, with you are Men of good Understanding, as well as other valuable Qualities, I could wish, if it were possible, you could adjust the Differences betwixt you and the Warden without any further Expence, but if that cannot be done on a tolerable good Foundation, you may command my Assistance to do you right, in the Way of my Profession, when you please. I have stated to you all that occurs to my Memory of what pass'd this Morning at *Sergeants-Inn*, and am,

Your very humble Servant,

Done 13. 1726.

G. EYRE.

The Prisoners, in Compliance with their Council's Advice, invited Mr. *Huggins* to come to the Prison, who came accordingly, and left with them the said Rules of 1687, as the Basis and Foundation of all his Demands; the Prisoners, after considering thereof, and comparing them with the Table of Fees, printed in all the Law-Books, and those given into Parliament by *Fox*, the Warden in 1693, and finding them to agree one with another, Wrote again to Mr. *Huggins*, and pressed him to a further Hearing before the Judges by consent, according to his Promise when he was with them; but instead of any Answer to the Purpose, soon felt the Effects of his Resentment, and those of them who had been the most active and diligent in pressing for a Redress of their Grievances, had their Chamber-Doors broke open, and were pull'd down like Dogs from the Master's-Side, and lock'd down on the Common-Side on *Lady-Day* 1727, where, notwithstanding all their Applications to the Judges, and to Mr. *Huggins*, they were forced to lie, without so much as the Benefit of coming up into the Bore-Yard, till the 5th of May following, when the Judges of the *Common-Pleas*, by a new Settlement of Rules, relieved them from this Oppression; and two of them (*viz.*) Mr. *Robert Smith* and Mr. *Thomas Farrington*, during the Time we were thus shut down, only for slipping by the Door-keeper when the Gate was opened, and going into the Place called the *Bare*, behind the Master's-Side for the Benefit of a little Air, were seized and put into the strong Room, or Vault of the Master's-Side, where it was customary to reposit the Dead till they were buried, for three Days and four Nights successively, without any Thing to lie upon but a Bench, or Form, and by which their legs were swelled to a prodigious Bigness; but the Prisoners must crave leave here to observe, that tho' after so long a Series of suffering they were relieved in this single Instance, they had little Reason to expect any Benefit from other Parts of the said Rules, which did not only add new Fees, but encreased the old ones, and which they must believe were an Imposition on the Judges; for had four of them been admitted to come up at the Hearing as they prayed, and as the Judges ordered, on giving Security to the Warden's Satisfaction, no such set of Rules could, as they humbly conceive, ever have been made; but the Warden would accept no Security and was so ingenious as to declare, by his Agent *Daniel Hopkins*, that he would not take the Lord Mayor of London and the two Sheriffs, if they should be offered; upon which the Prisoners Solicitor, Mr. *John Mackay*, offered to pay any Guard that the Warden would think fit to send up with them; but that was likewise refused; the Warden, having thus obtained a set of Rules so much to his Advantage, the poor Prisoners submissively acquiesced, and reasonably hoped they might have had an Indulgence from the Warden in some Measure suitable to that he had received from the Court; but he, flushed with the Success he had obtain'd, and fretted with the Opposition he had met with, now fully planted one Mr. *Banbridge* in Power over the Prisoners, a Person every way fitly qualified for the Execution of his diabolical Rage, who on the 3d of June 1727, introduced a military Force amongst us and kept them there near three Months, and in Defiance of the last Rules of the Judges, shut us close down again on the Common-side, and put in Irons some of us, upon which we once more, and the last Time, petitioned the Lord Chief Justice *Eyre*, as follows:

To

To the Right Honourable Sir ROBERT EYRE, Knight, Lord Chief Justice of the Common-Pleas.

The most humble Petition of the poor oppressed Prisoners of the Fleet.

Sheweth,

THAT your Petitioners have so often apply'd to your Lordship with Complaints, that they determined to suffer the last Extremity before they further complain'd; but that event has now happened, for on *Wednesday* last the Rules settled by the Judges came down, and were put up in the Hall, and the very next Day, in Defiance thereof, we were again lock'd down on the Common-side, which Gate has been ever since kept shut; and on *Friday* last a military Power was introduced; which has been several Times searching all over the House for we know not what, and at unseasonable Times of Night, when we are all in Bed, to our great Terror and Amusement; we know not any Occasion the House has given for this Usage, but look upon it as a premeditate Contrivance, to render us odious to Authority, and by that Means to anticipate all Complaint; that on *Monday* Night last at ten a-Clock at Night, one of the Centinell's fired off his Piece with a Brace of Bullets, at a young Man looking out at a Window into the Yard, which by God's good Providence mist him, but broke the Wall, and fell flat down as a Wafer; and we are every Moment in dread of Murther; which we verily believe is designed in order to be charg'd on us, that we may fall a Sacrifice to the insatiable Revenge of the Warden, or his Agents; that Mr. Huggins has put one *Bambridge* into Power here who now bears all the Controul, and has been, as we are inform'd, a *Newgate* Solicitor, who has not the best of Characters.

We well know the Motto late of the *Scorb* Crown, *Nemo me impune lacessit*, and are sensible of our Deserts, if we are foolishly troublesome to your Lordship, but must stand and fall by the Justice of our Complaints, and therefore for CHRIST's sake beg, that some Body may be sent down among us to enquire, and Report to your Lordships, in order to our immediate Relief; for that Part of us which are principally Oppressed are so miserably Poor, that we cannot bear the Charge of applying by proper Affidavits.

And your Petitioners (who dare not subscribe their Names, for fear of being put in Irons, if known.)

Shall ever pray, &c.

This Petition (after reading) Lord Chief Justice refused to take any Cognizance, on because it was not signed; but told Mr. Mackay our Solicitor, that we must apply to the Court by Affidavits; this, being a Charge we were incapable of sustaining; we by Memorial applied to general Wills, under whose Authority *Bambridge* declared he had brought down this military Force amongst us.

To His Excellency General WILLS

The humble Memorial of the Gentlemen, and others, confined in the *Fleet-Prison* for Debts.

Sets forth,

THAT Yesterday Morning about seven of the Clock, a Serjeant and twelve Centinells, came down to the said Prison, as is pretended under your Excellency's Authority; have been twice relieved with greater Numbers and still continue amongst us: We are well satisfied, that this was done by the Contrivance of our Goalor the Warden; but much doubt, whether it was under the Sanction of your Honours Commands, or at least if it was, we doubt not but to make it appear, it has been a gross Imposition on that Power, with which you are so deservedly intrusted, and hope you will resent it accordingly.

We know on what Suggestions (if you have) your Honour was induced to grant an Order so unusual, and crave leave humbly to represent to you, that we are subject to the civil Power only, sufficiently capable for our Government; under the Direction of the Judges, both with Regard to the Decorum amongst us, and to any Punishment to be inflicted upon us, if we have done amiss: And as we have many unhappy Gentlemen amongst us, who have been very confi-

considerable in Life and Fortune; we most humbly crave your Honour's Patience for a Detail of the whole Affair between us and our Goalor the Warden; by which you will have a thorough Light into the Matter, and be capable of judging, how disingeniously, you have been treated, if your Honours has condescended to the sending this Military Force amongst us. In order to which it is necessary to inform your Excellency, that for some Years past we have been contesting our Fees with the Warden, which he had arbitrarily heightened to such a Degree, as made them as burthenfome as our Debts; which Prosecution, by pinching from the very necessities of Life, we have carried on at an Expence altogether disproportionable to our mean Condition, and such of us as have been the most forward Persons herein, have by this Means contracted the whole Force of his Indignation, which hath been plentifully bestowed upon us, by such Usage as would have put a *Merish* Slavery out of Countenance, and which the civil Power, would not have countenanced, or he dare have executed, without a military Assistance; by which he has presumed to lay in Irons in a Dugeon, one Mr. *Mackpheadris*, who has been a Gentleman worth 100000 Pounds, and shut on the Common-side, up in another Dugeon, Fourscore of us, till we purchase that little Air the Goal affords, by the Payment of his exorbitant Demands, which alone relieves us, and which, the greatest Part of us are not able to comply with; but must in all Probability contract some Contagion this hot Weather, so close shut up together? And alas Sir, this alone is the mighty Crime we have been guilty of, whatever glosses may have been put upon it, to cover the Tyranny of the Oppressor. For this it is, that we have suffered Insults innumerable from Rascals, the very Scum of Nature, such as formerly, we should have thought it a Disparagement to have admitted to clean our Shoes; on purpose (by such exquisite Aggravations) to disarm us of all Patience, and furnish himself with a Handle to work our Destruction; but thanks be to God, we had Penetration enough to discern the Hook thro' the Bait, and conduct ourselves accordingly, till our Adversaries, impatient of Disappointment, sent in one *Bambridge*, a *Newgate* Solicitor, and a Person of abandon'd Credit, amongst us, at past twelve a-Clock at Night, long before which, the Goal ought to have been shut up, and every Body at rest: Who from abusive Language proceeded to blows with Mr. *Mackpheadris* only, and tho' he was the Aggressor, and the Fray was instantly put an end to, by the Interposition of others; and such a one as a petty Constable would have thought a Dishonour to the Dignity of his Staff to have appeared in the Quelling; yet this has produced, what we may call a Tragic-Comedy amongst us, whilst it is made a Pretence to put some of us in Irons, and to lock in the Common-side (little better then a Dugeon) sixty more of us, who where all a Bed and asleep when the Fray happened; and to bring down the Royal Guards amongst us to suppress an imaginary Insurrection, form'd the Windmill of his own Brain, an Exploit; which might furnish Matter for the Annals of *Don Quixot*, and his Squire *Sancho Pancho*: Whilst this audacious Villain (for we can call him no less) sits laughing in his Sleeve at our Misery, and the notorious Falsities and lies by which he has imposed on your Excellency: Thus Sir, we have given you a Detail of Fact, and which the very Soldiers sent amongst us plainly discern to be true, and will upon enquiry Report to your Excellency, if examin'd thereto, unless bought off by an Adversary; to obviate which Inconvenience, we most humbly intreat your Honour's Favour and Charity, to send down some Person amongst us in whom you can confide; to whom every Thing shall appear as clear as the Sun of Demonstration it self, and on whose Report we doubt not but you will compassionate our deplorable Case, and duly resent the Affront offered to your own Dignity. All which is most humbly submitted to your Honour's mature Consideration: By

N. SENIOR.
T. FARRINGTON.
MAJOR WILSON.
And several others.

This Memorial was given into the General's own Hands by Mr. *Mackay*, our Solicitor; but we never received any Answer, or was any Notice, that we know of, taken thereof by the General.

Thus abandoned, we were forced to continue shut down for near six Weeks more in the broiling heat of Summer, and at last forced to accept our Redemption as an Act of Mr. *Huggins's* Grace, which we have great Reason to believe, nothing induced him to but the Fear of contracting a Pestilence amongst us; for as soon as we had received this Relief, the Window of the Vine Ale-House, which look'd into the Prison, and by which the Prisoners used to have a Correspondence with such of their Friends as did not care to come within Side the Gate, was barricaded up; and by this Means we were restrained from all Correspondence with Mr. *Mackay* our Solicitor, and all other Persons who were thought to come to do us any Service, who were denied Admittance into the Goal; and no Body could come to any Prisoner, but what the Warden must know of. In this Condition were we left, and thus the Honourable Committee of the glorious House of Commons found us, before whom all Oppression vanish'd, like Mist before the Sun.

N. B. There are many more Petitions to the Judges, and Letters and Applications to Mr. *Huggins*, which are not here inserted for fear of a Prolivity, which would be tedious to the Reader; but all which are ready to be produced for the Satisfaction of the Publick, on any Commands of the Legislature.



FEES

This Memorial was given into the General's own Hands by Mr. *Mackay*, our Solicitor; but we never received any Answer, or was any Notice, that we know of, taken thereof by the General.

FEES to the Warden of the Fleet, by a LIST delivered to the Honourable House of Commons by Mr. Fox, the then Warden, pursuant to an Order of that House, made the 14th of Nov. 1693. Those taken by the Warden in the late Lord Chief Justice King's Time, as by the Prothonotaries Report; and those establish'd in Easter-Term, 1727. by the Lord Chief Justice Eyre, and the rest of the Judges of the Court of Common-Pleas, inserted, in order to see the Variance at one View.

FOR a Gentleman, Gentlewoman, &c. and under that Degree, coming in	1	6	8
Entering the Name and Cause	0	0	4
Porter's Fee	0	1	0
Chamberlain's Fee	0	1	0
Dismission-Fee.	0	7	4
Total	1	16	4

Commitment for a Yeoman.	0	13	4
Dismission-Fee.	0	7	4
Total	1	0	8

For those who take the Benefit of the Charity, a Dismission Fee only is due, which is	0	7	4
Total of the whole Charge	3	4	4

FEES taken by the Warden, as by the Prothonotaries Report in the Lord Chief Justice KING's Time.

For Liberty of the House and Irons, at first coming in	2	4	4
Porter's Fee.	0	1	0
Chamberlain's Fees	0	3	0
Dismission-Fee for every Action	0	12	6
Chaplain	0	2	0
Turnkeys Dismission.	0	2	6
Total	3	5	4

FEES established by the Court of Common-Pleas, by the Lord Chief Justice Eyre, Mr. Justice Price, Mr. Justice Page, Mr. Justice Denton, in Easter-Term, 1727.

For every Commitment-Fee on the Master's-Side	2	4	4
For the use of the Parson	0	2	0
For every Commitment-Fee on the Common-Side, not taking part of the Poors-Box	1	6	4
And every such for the Use of the Parson	0	1	0
And every one taking part of the Poors-Box, for his Commitment-Fee	0	7	4
* For every Render in each Cause to be paid the Warden	2	4	4
And Due to the Chamberlain	0	1	0

* Note, by this Article, if any Man surrenders to ten Actions he must pay ten times 2 l. 4 s. 4 d. and so more or less, according to the number of Actions he surrenders to.

To

	l.	s.	d.
To the Warden for every Prisoner discharged, or <i>Superfedeas</i> for Dis-	7	6	
mission out of Prison			
And due to the Clerk of the Papers for every Discharge for every Action	2	6	
And for the Copy of every Cause, not exceeding three	1	0	
For each and every Cause exceeding three	0	0	4
To the Clerk of the Papers for Certificate of the Prisoner's Discharge	2	6	
deliver'd to the Prisoners			
And for his Certificate to the Warden for such Discharge	2	6	
* To the Clerk of the Enquiry, on the Discharge of the Prisoner by	2	6	
Creditor, and not by <i>Superfedeas</i>			
To the Turnkey, as Porter and Goaylor, for the Prisoner's Entrance	2	0	
And for such Prisoner's Discharge to the said Turnkey, as Porter and	2	6	
Jaylor			
To the Turnkey for any Declarations deliver'd to him	1	0	
To be paid to the Warden for the Use of the Parson for every Pri-	0	4	
soner within the Prison, and out at Rules, per Week each			
To the Clerk of the Papers for allowance to every Writ of <i>Habeas</i>	5	4	
<i>Corpus</i>			
To the Clerk of the Papers for the Return of the first Cause	4	0	
To the Clerk of the Papers for every other Cause	2	0	
	8	2	2

* This is a New Officer never before established;



APPEN.

APPENDIX.

The AFFIDAVITS refer'd to in the Margin of the Complaints, exhibited to the present Lord Chief Justice EYRE, and the rest of the Justices of the Court of Common-Pleas.

N^o. I. *David Boyes, and James Collet, Gent.*

DAVID BOYES, and James Collet, Gent. now Prisoners, on the Master's-Side, of his Majesty's Prison of the Fleet, severally makes Oath: And first, David Boyes, for himself saith, That he became a Prisoner on or about the Month of December, 1725. when he surrendered in discharge of his Bail, before the Lord Chief Justice Eyres to one Action only; and Mr. Guybon, the Deputy Warden, demanded of this Deponent two Pounds four Shillings, as his Surrender-Fee; and two Pounds six Shillings as his Commitment-Fee; which being, together, four Pounds ten Shillings; this Deponent was obliged to pay him; though this Deponent hath been informed that no such Fee, as a Surrender-Fee, is due to him; and that his Commitment-Fee is no more than one Pound six Shillings and six Pence. And this Deponent saith, That on his coming into the House, the Chamberlain demanded of him five Shillings as his Fee, which this Deponent was also obliged to pay before he could have a Room, though he had no Sheets from him, but brought his own Linnen; and this Deponent hath been informed, that no more than one Shilling is due to the Chamberlain, as his Fee, And James Collet, for himself saith, That he became a Prisoner, on or about the 22d of December, 1725. when Mr. Guybon, Deputy-Warden, demanded of this Deponent two Pounds six Shillings and six Pence, as his Commitment-Fee, which this Deponent was forced to pay him. And this Deponent further saith, That on or about the 27th Day of April last, he applied to the said Mr. Guybon for the Liberty of the Rules of this Prison; but this Deponent being informed, that the Warden would insist to have his Rent first paid to that Time, this Deponent agreed thereto; and being sent for by the said Mr. Guybon to his Office, at Mr. Pinder's, the said Mr. Guybon demanded of this Deponent two Shillings and ten Pence per Week for his Chamber Rent, which this Deponent was obliged to pay; and hath his Receipt for the same, though this Deponent had another Prisoner in the Room with him the whole Time, being the same Person he was put to, by the Warden's Order, at his first coming into the said Prison. And this Deponent further saith, That in order to reduce the Sum his Security were to enter in to Bond to the Warden for, this Deponent took with him three Discharges, to have the same allowed by Mr. Guybon; but he demanded of this Deponent, as his own Fee, ten Shillings for each Discharge, and this Deponent was obliged to pay the same, and did accordingly, pay him one Pound ten Shillings for allowing the three Discharges. And Mr. Hopkins, Clerk of the Enquiries, demanded as his Fee, two Shillings and six Pence for each Discharge; but he was prevailed upon to take five Shillings, which this Deponent paid; but Mr. Hopkins told this Deponent, that two Shillings and six Pence was his Due for each Discharge, which, he said, was his Fee for enquiring if the Discharges were actually signed by the Plaintiffs. And this Deponent further saith, That on his coming into the House, the Chamberlain demanded of him five Shillings as his Fee, which this Deponent was obliged to pay, tho' he was put into a Room with another Prisoner.

Jur. apud Prison de Fleet, D. Boyes.

31 die Octob. 1726. James Collet.

Coram H. E. A. S. A. W. W. C. C. & Co.

N^o. II. *James Collett, and Richard Combes, Gent.*

JAMES COLLETT, and Richard Combes, Gent. now Prisoners on the Master's-Side of the Fleet-Prison, severally make Oath: And first, the said James Collett maketh Oath, That in Easter Term last past, having an extraordinary Occasion to go abroad by Day-Rule, he desired the other Deponent Richard Combes, to endeavour to prevail on the Warden for that Favour, and to know the Charge and Conditions thereof; and the said Deponent Combes, soon after acquainted this Deponent, That the Warden would not let him go with a Day-Rule, unless two substantial Persons would be bound in a Bond to the Warden for this Deponent's safe Return; and that this Deponent must also pay to the Warden twenty five Shillings for Fees of the said Bond. And the said Richard Combes for himself maketh Oath, That in Easter Term last James Collett Esq; requested this Deponent to speak to Mr. Hopkins, Clerk of the Enquiries, That the said Mr. Collet might have a Day-Rule to go abroad to transact some important Affairs; Upon which he told this Deponent, That the Warden must have two good Securities to enter into a Bond for the said Collet's Return, and that he must pay twenty five Shillings for the said Bond, and that it was the Method Mr. Guybon had resolved to take on his granting Day-Rules to Prisoners, which Fees Mr. Collet was obliged to consent to give, in Case he might have that Favour from Mr. Guybon; but after above a Week's waiting to have an Answer whether Mr. Guybon agreed to take the Security, Mr. Hopkins brought Word from Mr. Guybon, That he did not approve the Security; upon which this Deponent told the said Mr. Hopkins, That Mr. Collett had a very urgent occasion to go abroad, and that he would be content to have two Waiters with him, or any Number the Warden thought fit to put upon him for his greater Security; and that he would pay such Waiters for their Trouble: But his Favour could not be obtained, to the very great Loss and Damage of the said Mr. Collett, as this Deponent hath heard, and verily believes. And this Deponent further saith, That when he first became a Prisoner here, Mr. Thomas Guybon demanded two Pounds six Shillings and eight Pence of this Deponent, as his Commitment-Fee, which he was obliged to pay him accordingly; before he would order this Deponent a Room; though this Deponent apprehended, that one Pound six Shillings and eight Pence only was his Fee. And this Deponent further saith, That the said Mr. Guybon ordered this Deponent to be put into a Room with one Mr. Mandall, another Prisoner, with whom this Deponent continued, in the same Bed and Room, about seven or eight Months; but the Warden demanded of this Deponent two Shillings and ten Pence per Week for all the Time this Deponent has been here, including the Time the said Mandall was with him in the said Room.

And both these Deponents, James Collett and Richard Combes do make Oath, That one Thomas Hancock, Gent. a Prisoner on the Master's-Side, on about the 12th of April last past, having been discharged by his Creditors, applied himself to the Warden to pay him his Fees, and accordingly he paid to the said Mr. Guybon, to Mr. Byngrave, Clerk of the Papers, and to Mr. Hopkins, Clerk of the Enquiries, eight Pounds twelve Shillings and ten Pence, which was reckon'd to him, by them, as follows.

For Thirteen Weeks Chamber-Rent, at two Shillings

and ten Pence per Week, from the 12th of January to the 12th of April, one Pound sixteen Shillings and ten Pence; and for the Discharge of six Actions, three Pounds, which three Pounds, and one Pound sixteen Shillings and ten Pence the said Mr. Guybon demanded as his Fees; and was paid the same; and seventeen Shillings and six Pence to Mr. Bygrave, Clerk of the Papers, which, as he reckoned, was for six Discharging-Fees; and the five Shillings was reckoned by the said Mr. Bygrave for a Certificate to the Warden that he was discharged from the Books; and to Mr. Hopkins, Clerk of the Enquiries, twelve Shillings, which he said was Fees due to him on account of his the said Hancock's Discharges; all which Proceedings and Payments the said Hancock made these Deponents acquainted with, and when he went away, left an Account of the said particular Payments, under his own Hand, with this Deponent Collet. And the said Deponents do both further say, That after the said Hancock had paid his Fees to the Warden, that he kept and detained the said Hancock within the Prison seven Days, on Pretence that he had given the Key of his Room to one James Cavenaugh, a Prisoner in the House, who was then destitute of a Bed or Room, and is no more than the usual Practice of the Prisoners when they are going out, to those that have no Rooms. And these Deponents further say, That they have seen several Letters wrote by the said Hancock to the Warden, complaining of his Arbitrary and Illegal detention of him, after Payment of his Fees, and threatening to acquaint the Lord Chief Justice Eyre: But this had no Weight with him, for he still detained him, untill the said Hancock complied to the Warden's Demand of writing a submissive Letter to him, and begging his Pardon about the delivery of the Key (and till then he should not go) which Terms he was obliged to submit to, on the Condition of his Enlargement. And the Deponent Collet further saith, That when the said Hancock was going out, the Turn-key, Mr. Bouch, refused to let him go till he paid him two Shillings and six Pence, which he demanded as his Fee, and obliged Hancock to pay the same.

Jur. apud Prison de Fleet,
31 die Octobr. 1726.

James Collet.
R. Combes.

Coram R. BRADSHAW, un. Com. &c.

No. III. Thomas Goldby, and Anthony Franklin.

THOMAS GOLDBY, late a Prisoner in the Fleet, and now of the Parish of St. Giles in the Fields, Coach-Maker; and Anthony Franklin, now a Prisoner there, severally make Oath; and first, the said Thomas Goldby maketh Oath, That on or about the 19th Day of May last, this Deponent surrendered himself a Prisoner to the Fleet-Prison, in discharge to his Bail, to one Action only, at the Suit of Elizabeth Fry; and then he, this Deponent, became a Prisoner in the Ward, or Common-Side of the said Prison. And this Deponent further saith, That on the 14th of this Instant October, his Plaintiff discharged him, upon which this Deponent apply'd to Mr. Guybon, the Deputy-Warden, to pay him seven Shillings and four Pence for his Dismission-Fee, as this Deponent was informed was all he could Demand of him, and that no Commitment-Fee was due from him, as being in the Ward, or Common-Side: But the said Mr. Guybon demanded one Pound twelve Shillings and six Pence as his own Fee, and said, That this Deponent should not be discharged unless he paid it him, which this Deponent was obliged to do; and this Deponent complaining to him of his great Poverty, the said Mr. Guybon gave him one Shilling back out of the said one Pound twelve Shillings and six Pence; and this Deponent did also pay to Mr. Bygrave, Clerk of the Papers, two Shillings and six Pence for his Fee, he demanding the same of him; though this Deponent was informed, that as he was on the Common-Side, no Fee was due to him. And this Deponent further saith, That Mr. Guybon and M. Bygrave demanded other two Shillings and six Pence, as a Fee to Mr. Hopkins, Clerk of the Inquiries, on pretence that the said Mr. Hopkins was to go and be satisfied that the Discharge was of the Plaintiff's or Attorney's Hand Writing; upon which Mr. Head, the Turnkey, acquaint-

ed them, That he had seen the said Discharge signed by the Attorney, and would justify it. However, the said Warden and Bygrave insisted to have Hopkins's Fee of two Shillings and six Pence paid; and both the Warden and Bygrave said, He this Deponent, should be lock'd up until he did pay it, and was lock'd up accordingly, for Non payment of the said two Shillings and six Pence to Mr. Hopkins, for two Hours; but this Deponent continuing in his Resolution not to pay the same, the aforesaid Mr. Head, the Turnkey, reproaching the Warden and Bygrave with Confining the Deponent after he had paid his Fees, and telling him, that this Deponent would certainly Complain to my Lord Chief Justice EYRE, if he would not dismiss him; upon which the Warden thought fit to enlarge him without Payment of the said two Shillings and six Pence. And the said Anthony Franklin, for himself, maketh Oath, That in the Month of November, 1724, this Deponent became a Prisoner in the Ward, or Common-Side of the said Prison, and Mr. Guybon, Deputy-Warden of the Fleet, demanded two Pounds six Shillings and eight Pence, as this Deponent's Commitment-Fee, which this Deponent paid; upon which this Deponent was afterwards informed, That he being on the Common-Side no Commitment-Fee was due to the Warden; and that he ought to return the same again to this Deponent; upon which he apply'd to the Warden for the same; and after long Complaining, with great Trouble and Difficulty, he did at last obtain nineteen Shillings of the said Money back again; so he kept one Pound seven Shillings and eight Pence, which he pretended was the Commitment-Fee due to him from all the Prisoners on the Common-Side.

Jur per presat Thomas Goldby.

Tho. Goldby.

vicesimo septimo, die Octobr.

Anthony Franklin.

1726. apud Serjeants-Inn

in Chancery-Lane. Coram R. EYRE.

Jur. Anthony Franklin, apud

Prison de Fleet, 31 die

Octobr. 1726.

Coram R. BRADSHAW, un. Com. &c.

No. IV. Elizabeth Lepointz.

ELIZABETH LEPOINTZ, late of the Parish of St. Paul's, Covent-Garden; but now a Prisoner in the Fleet-Prison, maketh Oath; That on or about the 1st Day of April, 1725, she surrendered herself, at Mr. Justice Tray's Chambers, to five Actions, in discharge of her Bail, and was by him committed to the Fleet-Prison, where Mr. Hopkins, Clerk of the Enquiries, by Order, and from Mr. Tho. Guybon, demanded thirteen Pounds, eighteen Shillings and four Pence of this Deponent for the said Mr. Guybon, as her Commitment-Fees; which the said Mr. Hopkins acquainted this Deponent, was two Pounds, six Shillings and eight Pence as her Commitment-Fee, and eleven Pounds, eleven Shillings and eight Pence, was for Commitment-Fees for her five Surrenders. But this Deponent declaring, That her Lawyer had acquainted her, that the Warden could demand but one Commitment-Fee; and that though the Warden usually took two Pounds, six Shillings and eight Pence, as his Commitment-Fee, that even that Sum was more than his Due, and dissuaded this Deponent from being imposed on by the Warden's most unwarrantable Demands. But Mr. Hopkins pleading very hard, particularly for the Surrender-Fees (as he called them) alleged that it was the Warden's just Fees, and what every-body in like Cases paid; and that in looking over Mr. Haggitt's Books he had found, that one Prisoner had made fifteen Surrenders on his coming over to the Fleet; and that the Warden had received above Thirty Pounds for his Commitment-Fees. However, this Deponent absolutely refused the Payment of more than one Commitment-Fee, and she hath actually paid him two Pounds, six Shillings and six Pence for the same, though her Lawyer assured her, that one Pound, six Shillings and eight Pence only did, of Right, belong to him, as his Commitment-Fee. And the said Mr. Guybon hath threatened, that unless this Deponent will pay the said Surrender-Fees (as he calls them) that he will turn her down on the Common-Side. And this Deponent doubts

doubts not but when she comes to be discharged from the Prison, that she must pay the pretended remaining eleven Pounds, eleven Shillings and eight Pence, before the Warden will let her go out of the Prison, as his Custom is with other Prisoners in like Cases. And this Deponent further saith, That the said Mr. Guybon ordered John Head, the Turn-key, that this Deponent should have neither Bed nor Chamber, unless she would pay the eleven Pounds, eleven Shillings and eight Pence, for his Surrender-Fees (as he calls them.) And this Deponent saith, That she had no Bed nor Chamber for near two Months, though there was both empty Rooms and Beds in the Prison at the same Time; and at last this Deponent did obtain an empty Room, with bare Walls, which she was obliged to furnish at her own Expence, and yet he reckons her two Shillings and ten Pence per Week Chamber-Rent for the same.

Jur. apud Prison de le Fleet,
31 die Octobr. 1726.

Eliza. Lepointe.

Coram R. BRADSHAW, un Com. &c.

NO. V. Henry Topping.

HENRY TOPPING, of the Parish of St. James, in the County of Middlesex, Linnen-Draper, maketh Oath, That he, this Deponent, became a Prisoner in the Fleet-Prison, on or about the 18th Day of July last past, and was discharged thence on the 17th of March following, at which Time Mr. Thomas Guybon, Deputy-Warden of the Fleet, demanded of this Deponent for his Fees, the Sum of seven Pounds, and thirteen Shillings; but refused to give any Bill of Particulars, as this Deponent desired of him; but he told this Deponent, that four Pounds, and ten Shillings thereof was for his Surrender and Commitment-Fee; and two Pounds, and ten Shillings for his Lodging, though this Deponent never could obtain any Lodging from him whilst he was in the said Prison, and was obliged to hire part of a Bed in the Cell, of one John Ferryman, who keeps the Tap-House there, at one Shilling and six Pence per Week, at which Rate this Deponent paid the said Ferryman for the Time he lay in his Bed, being the whole Time of his being a Prisoner in the said Prison; and yet the said Guybon acknowledged to this Deponent, that out of the seven Pounds thirteen Shillings he reckoned fifty Shillings due to the said Guybon for his Lodging, and demanded the said seven Pounds thirteen Shillings of this Deponent, as Fees of right belonging to himself; and unless this Deponent would pay the same to him, the said Thomas Guybon declared he would not discharge this Deponent; and therefore he was forced to comply therewith, and pay him the said Sum of seven Pounds thirteen Shillings. And this Deponent further saith, That over and above the said seven Pounds thirteen Shillings that Mr. Bygrave, Clerk of the Papers, demanded twelve Shillings and six Pence as his Fee; and Mr. Hopkins, Clerk of the Enquiries, demanded ten Shillings as his Fee, which latter told this Deponent, was due to him for enquiring of the Plaintiffs if they acknowledged their Hands to the Discharges they had given to the Warden for the Enlargement of this Deponent, though the Plaintiff, or Attorney, came and wrote the said Discharges at the Fleet-Prison, and in Presence of the Warden; however, this Deponent was obliged to pay the said Bygrave and Hopkins what they demanded. And this Deponent further saith, That he made but one Surrender to his Bail, and was charged with three Actions, and no more, which, as well as what he paid to the said Guybon, this Deponent is informed is Unjust and Exorbitant, and Particularly, that no Fee to the Clerk of the Enquiries was ever paid, pretended to, or heard of on the Discharge of any Prisoner, but very lately, and that the same is a new Demand, introduced by the said Guybon, in whose Presence the said Hopkins demanded and took the said Fee of ten Shillings.

Jurat. apud Sergeants-Inn, in
Fleet-Street, 20 die Junii, 1726.

Henry Topping.

Coram R. TRACY.

NO. VI. Archibald Paterson, Gent.

ARCHIBALD PATERSON, Gent. now a Prisoner on the Malters-Side of the Fleet-Prison, maketh Oath, That in Easter Term last this Deponent obtained Leave of Mr. Thomas Guybon, Deputy-Warden, for several Day-Rules within the said Term, for which he was obliged to give three good Securities, who were bound in a Bond, with this Deponent, for Thirty four Thousand Pounds; and the said Mr. Guybon demanded of this Deponent one Guinea, or Twenty Shillings, as Fees for the said Security-Bond and Day-Rule for the first Day. And this Deponent saith, That he accordingly paid the said Guinea, or Twenty Shillings (but he can't remember which) to Mr. Hopkins, Clerk of the Enquiries. And this Deponent farther saith, That last Term he offered the same Persons as Security for two Thousand five Hundred Pounds, his Charge being so much reduced, which the Warden agreed to accept; and on this Deponent's paying him the same Fee, and giving him the same Security, he suffered this Deponent several Day-Rules: But this Deponent saith, That towards the latter End of the last Term, the said Deputy-Warden, Mr. Guybon, took it into his Head to refuse this Deponent any farther Day-Rule, notwithstanding he had the said Security of two Thousand five Hundred Pounds; and told this Deponent, That unless he would first pay him all the Money this Deponent was then indebted to him for Chamber-Rent, which he, this Deponent, never refused, he would not let him go, which this Deponent not performing, he was denied a Day-Rule, which was a very great Loss and Disappointment to this Deponent in his Affairs. And this Deponent further saith, That the said Mr. Guybon still having the said Security-Bond for two Thousand five Hundred Pounds, as aforesaid, this Deponent applied to the said Mr. Guybon this Term, that he might have Day-Rules, having given him such ample Security, and who were still willing to continue Security for this Term. But instead of complying therewith, he told this Deponent, that unless he would pay him all Chamber-Rent now due to him, and give him Twenty Guineas for himself, that he should not have any Day-Rule, notwithstanding the Security-Bond he had taken for that Purpose, which this Deponent refused to give him, not knowing by what Power and Authority he demanded the said Twenty Guineas of this Deponent; and since this Deponent could not obtain any more Day-Rules but at such an Expence, he then demanded of Mr. Guybon his Security-Bond for two Thousand five Hundred Pounds aforesaid, which he refused to give him, though this Deponent is actually a Prisoner under Lock and Key, and the Bond was only given to go abroad with Day-Rules. But at last Mr. Guybon told this Deponent, that if he would give him five Guineas, and pay him all his Chamber-Rent, he would let him have Day-Rules as before: But this Deponent refusing to comply with such excessive Demands, still remains a close Prisoner, to the great Detriment of this Deponent; and the said Mr. Guybon still detains the said Security-Bonds. And this Deponent further saith, That on his Commitment to the said Prison, the Warden demanded of this Deponent two Pounds, six Shillings and eight Pence, at his Commitment-Fee, which this Deponent paid. And being moved afterwards to the King's Bench, a Habeas Corpus was immediately brought to remove this Deponent back again; and accordingly this Deponent returned in three Days to the Fleet again, when the Warden demanded of this Deponent two Pounds, six Shillings and eight Pence more, as a fresh Commitment-Fee; and this Deponent (notwithstanding the former Commitment-Fee paid to him) was obliged to pay the same; though this Deponent is informed, and believes, that no more than one Pound, six Shillings and eight Pence is due to the Warden as a Commitment-Fee.

Jur. apud Prison de le Fleet,
31 die Octobr. 1726.

Archibald Paterson.

Coram R. BRADSHAW, un Com. &c.

NO. VII.

N^o. VII. *Elizabeth Collingwood.*

ELIZABETH COLLINGWOOD, of the Parish of St. James's in the County of Middlesex, Spinster, but late a Prisoner in his Majesty's Prison of the Fleet, maketh Oath, That this Deponent, in the Month of February last, surrendered to her Bail before Mr. Justice Denton, to one Action only, at the Suit of *Alexander Knapp*, whereby she became a Prisoner on the Common-Side of the Fleet-Prison; and having obtained a Superseas for her Discharge, this Deponent did thereupon, on the 20th of this Instant October, require her this Deponent's Release of Mr. Thomas Guybon, Deputy-Warden of the Fleet, upon which the said Mr. Guybon demanded Thirty two Shillings as his Fees due for this Deponent's Discharge, though this Deponent was inform'd, that no more than seven Shillings and four Pence was his just Fees, and that he ought not to demand any more: However, he forced the Deponent to pay him Thirty two Shillings; and Mr. Bygrave, Clerk of the Papers, demanded five Shillings of this Deponent as his Fee, but was prevail'd on, at last, to take but two Shillings and six Pence. And this Deponent farther saith, That Mr. Hopkins, Clerk of the Inquiries, demanded two Shillings and six Pence of this Deponent as his Fee, and which was paid accordingly; and Mr. Head, the Turnkey, demanded two Shillings and six Pence as his Fee, which was also paid, all which this Deponent was forced to submit to, or she could not be discharged; and when one Mrs. Ann Root (who paid the Money for this Deponent) endeavoured to move the said Mr. Guybon to abate of his pretended Fees, by telling him, the Deponent was a very poor Woman, and that the Money which the said Guybon had taken for his Fees, was Charity-Money sent her, and that she was very ill. But Mr. Guybon reply'd, that if she this Deponent were Dying, he would not abate six Pence.

Jur. 26 die Octobri 1726. Eliz. Collingwood.

Coram R. PRICE.

N^o. VIII. *David Boyes, Gent.*

DAVID BOTES, Gent. now a Prisoner in the Fleet-Prison, maketh Oath, That some Time in the beginning of May last, he applied to Mr. Thomas Guybon, Deputy-Warden of the Fleet-Prison, to have Liberty to go a-broad with Day-Rules, at any Time in Easter Term; for which Favour, this Deponent offer'd the said Guybon five Guineas, and Security, which Security the said Guybon did approve of, but insisted on Ten Guineas, beside paying for each Day-Rule, to which this Deponent did acquiesce; but the Day following, Guybon sent word by Welland, one of his Agents, that he, the said Guybon, had consider'd of it, and would not permit him to go a-broad as agreed; and assigned for a Reason, That it would hinder his taking the Rules of the said Prison, for which he would have one Hundred Guineas. And this Deponent farther saith, That he applied to the said Guybon several Times in Trinity-Term last, for a Day-Rule, but was always denied, though he offered not only Security, but to be at the Charge of Keepers also to go with him, which takes off even the bare Suspicion of an Escape; which hard Usage hath been very detrimental to this Deponent, and probably will be his Ruin. And further this Deponent saith not.

Jur. apud le Fleet-Prison 2 die Julii, 1726.

D. Boyes.

Coram R. BRADSHAW, un Com. &c.

N^o. IX. *George Witts, and David Lloyd.*

GEORGE WITTS, late of Warwick-Lane, in the City of London, Distiller; David Lloyd, late of the Parish of St. Martin's-le-grand, Victualler, Prisoners

in the Fleet, jointly and severally maketh Oath, and first, this Deponent *George Witts*, makes Oath, That about one a Clock in the Afternoon, on Wednesday last, being in the Room of one Capt. Mackbeath in the said Prison, along with Mr. Robert Smith, and one Capt. Minnitt, who were then at Dinner there. Corbett the Tip-Staff came to the Door of the said Room, which was then lock'd, and demanded Entrance, and in Case of Refusal, threatned to break open the Door, upon which the Door being opened to him, he entered, and demanded the said Mr. Robert Smith to go along with him to the Warden, then in the Lodge, which the said Mr. Smith very peaceably comply'd with, without the least Reluctance. And these Deponents, *George Witts*, and *David Lloyd*, jointly make Oath, That they did see the said Corbett, and his Follower, presently come again out of the Lodge into the Fore-Yard, with the said Mr. Smith in their Custody, in order to carry him to the Strong-Room, or Dungeon, as these Deponents apprehended; upon which these Deponents demanded of the said Corbett, by whose Order he did this? And the said Corbett reply'd, by the Order of my Lord Chief Justice Eyre: Upon which the said Corbett's Follower shook his Cane in a threatning Manner at this Deponent *Lloyd*, and one *Bambridge*, a Solicitor, as these Deponents are informed, being then also present, clasp'd his Hand to his Sword, in order, as these Deponents apprehend, to draw the same; upon which one Capt. Douglas, also a Prisoner in the House, ask'd the said *Bambridge* what he was going to do; and took hold of him to prevent his drawing the same; whereupon the said Corbett, and his follower, carried the said Mr. Smith to the Strong-Room, or Dungeon afore-said, where they lock'd him up with one Mr. Thomas Farrington, another Prisoner, without the least Reluctance made on the Part of the said Smith and Farrington, and where they have remained ever since, and still remain.

Georgius Witts, David Lloyd, Prisonar. apud Fleet, 5 die Maii, 1727.

George Witts. David Lloyd.

Coram ROBERT MEGLICH, un Commissar.

N^o. X. *Major Wilson, and Thomas Farrington, Gent.*

MAJOR WILSON, late of Leeds, in the County of York, Merchant; and Thomas Farrington, of London, Gent. Prisoners, now in Custody of the Warden of the Fleet, severally make Oath; and first, the Deponent *Major Wilson* saith, That some Time agoe having occasion for Day-Rules, was often deny'd, though he, this Deponent, offered good Security for his Return to the Fleet again; unless he would give Mr. Fitch, then Clerk of the Enquiries, half a Guinea, and five Shillings for a Man to attend him, and six Shillings and six Pence for his Day-Rule; which this Deponent was obliged to comply to, and paid the above-said Sums for two Day-Rules, and gave Security, at the same Time, for this Deponent's Return. And this Deponent further says, Soon after wanted to make an Affidavit in Chancery, was obliged to give the said Mr. Fitch half a Guinea, and spend half a Guinea more upon him; otherwise would not admit this Deponent to go and make such Affidavit; and had two Day-Rules, at that Time, as this Deponent Remembers. And about July, 1723, this Deponent says, That he was to have had a Tryal at Guild-Hall, and having two Witnesses in the Fleet, viz. *Thomas Farrington* and *Thomas Payne*, he, this Deponent, was obliged to bring a Habeas Testifican. to take the above-said Witnesses up to Tryal: The said Habeas being brought, *Thomas Guybon*, the Deputy-Warden of the Fleet, said, he would not obey the said Habeas, unless this Deponent would give him two Guineas; which, this Deponent says he told him, He had not so much Money to give him. And soon after, this Deponent was obliged to bring another Habeas, and offered to give him, the said Guybon, good Security, being the same Person that was Security for this Deponent upon the Day-Rules above-mentioned; but the said Guybon openly declared, notwithstanding this Deponent's Security, he would not Obey the said Habeas, unless this Deponent would give him

him two Guineas, which this Deponent says, he had it not to give him; and Thomas Farrington for himself says, That he and Thomas Payne was material Witnesses in a Cause of Major Wilson's above-mentioned, and very well remembers two Habeas being brought to take up this Deponent, and Thomas Payne, to Guildhall, to give in their Evidence there; but the said Thomas Guybon refused to obey the said Habeas, demanding two Guineas as above-mentioned, which the said Wilson told him, he had it not to give him: The said Wilson, at the same Time, offered the Security as above-mentioned; but the said Guybon still refused to obey the said Habeas.

Jurat apud le Fleet-Prison, secundo die Julii, 1726.
Cram me, R. BRADSHAW, un. Com. &c.

N^o. XI. James Cavanagh, Gent.

IN COMMUNI BANCO.

JAMES CAVANAGH, Gent. a Prisoner now in the Custody of the Warden of the Fleet, maketh Oath. That on or about the thirteenth Day of March last, this Deponent being a Prisoner within the Rules of, or belonging to the Fleet-Prison, was suddenly locked up a close Prisoner, without a Room or Bed for several Days. This Deponent further saith, That one Thomas Hancock Gent. a Prisoner in the said Prison, in April last, did promise to deliver the Key of his Room to this Deponent, which he accordingly performed; and after he, the said Hancock, had gotten all his Actions withdrawn, and had pay'd all his Fees, Mr. Thomas Guybon, the Deputy-Warden, refused to discharge him during the Space of five Days, or thereabout, and the said Guybon insisted that the said Hancock should write a submissive Letter to him, acknowledging his Fault in delivering the Key of his Room to this Deponent. That on or about the Nineteenth of the said Month of April, this Deponent was sent for into the Lodge, and hurried to the King's Bench-Prison by a Habeas, as this Deponent verily believes, was maliciously obtained by the said Guybon, to distress and ruin this Deponent; and notwithstanding the Goods in this Deponent's Room were his own, which he bought of the said Hancock, as were also the Lock and Key, the said Guybon ordered Barnes, his Servant, to put a Padlock upon the Door of the said Room, detaining the Goods, and particularly the Papers of this Deponent, to his great Loss and Damage. That after this Deponent, by another Habeas at his own Charge, return'd to the said Fleet-Prison, he was peremptorily refused Entrance into his own Room, by the said Guybon. And further this Deponent saith, That the said Guybon hath several Times locked up this Deponent, in order to extort Money from him, which he the said Guybon hath several Times done, on pretence of a Blank left in this Deponent's Security-Bond; and that 'tis usual for the said Guybon to leave such Blanks, as aforesaid, will appear by the Prothonotaries Report: And further this Deponent saith not.

*Jur. apud le Fleet-Prison,
2 die Junii, 1726.*

James Cavanagh.

Cram R. BRADSHAW, un. Com. &c.

N^o. XII. Thomas Upton, Gent.

THOMAS UPTON, Gent. now a Prisoner in the Fleet-Prison, maketh Oath, That he, this Deponent, was brought from the Marshalsea-Prison in Southwark by a Habeas Corpus, on the 17th Day of March last; and this Deponent having a Prospect of his Discharge from the said Fleet-Prison, on Friday the 25th of June last, went to enquire of Mr. Thomas Guybon, who, as this Deponent is informed is Deputy-Warden, and to demand of him the Account of his Fees. And this Deponent further saith, Upon his asking the said Guybon what the said Fees came to, he answered in a very auker Manner, That every Body could tell his Fees; but told this Deponent,

That if he would apply to one Head, the Turnkey, as he then filed him, that he would give this Deponent an Account of what this Deponent had to pay; that about an Hour after this Deponent had attended the said Guybon, the said Head gave him a Note, as he the said Head then said was wrote by the said Guybon, setting forth what this Deponent had to pay before this Deponent should be discharged, a true Copy of which said Note is hereunto annexed, and by which said Note it appears, that this Deponent is charged at the Rate of Half a Crown a Week for Chamber-Rent, ever since his coming into the Goal, tho' this Deponent had no Room for a whole Month after he came in, but was lodged sometimes in one Place and sometimes in another, by the Compassion of his Fellow-prisoners, to whom he could not but in Justice make some Retaliation, and was in Consequence very Expensive to him; and tho' this Deponent, ever since he had a Room, has had another Person lodged with him, who in Justice, and according to the Act of Parliament, as this Deponent believes, the said Guybon ought to accept of for half the Rent. And this Deponent also saith, That the Room which was allotted him with another Person, as aforesaid, was up the Chappel-Stairs, which, as this Deponent is informed, and believes will be made appear, are Lodgings designed for Gentlemen who were not able to pay Half a Crown a Week, and are according to the constant Custom of the Goal, Lett at forty Shillings per Annum each Room. And this Deponent further saith, That he believes, and hopes, that both the Commitment-Fee, and the other Fees charged in and by the said Note, will be made appear to be equally exorbitant and irregular. This Deponent further saith, That there is not any Table of Fees hung up in the said Prison. And further saith not.

*Jurat apud le Fleet-Prison,
secundo die Julii, 1726.*

Tho. Upton.

Cram me, R. BRADSHAW, un. Com. &c.

Rent, —————	01	16	00
7 Discharging Fees, ———	03	10	00
Commitment-Fee, ———	02	06	06
	07	12	06
Clerk Papers and Enquiries, —	01	15	00

N^o. XIII. Robert Rochford, Gent.

ROBERT ROCHFORD Gent. now a Prisoner in the Fleet-Prison, makes Oath, That this Deponent, with two other Persons, have for several Months past lain together in One Bed of the Wardens, without any Pillows but their own, and no Covering of the Wardens but one Blanket, and one Rug, without any Curtains, or Tester; nor Chairs, Table nor Grate; tho' this Deponent constantly pays for the said Chamber he so lies in every Month, or two Months at the farthest, after the Rate of two Shillings and ten Pence per Week, and verily believes that his two Chamber-fellows either have, or must pay each of them at the same Rate; because this Deponent knows, of his own Knowledge, that the said Warden usually insists on the said Sum of two Shillings and ten Pence from each Person lodging together in one Chamber, let there be never so many of them. And further this Deponent saith not.

*Jurat apud le Fleet-Prison,
secundo die Julii, 1726.*

Robert. Rochford.

Cram me, R. BRADSHAW, un. Com. &c.

N^o. XIV. William Gardner, Gent.

WILLIAM GARDNER, Gent. a Prisoner on the Ward, or Common-Side of the Fleet-Prison, maketh Oath, That on or about the Seventeenth Day of

March last past, *James Buck*, Esq; a Prisoner on the Master's-Side of the said Prison, departed this Life, at which Time this Deponent attended him in the Capacity of a Servant. And this Deponent further saith, That the Friends or Relations of his said Master, sent in a Coffin and burying-Cloaths, in order to bury him where, and in such manner as they thought fit. But *Mr. Thomas Guybon*, the Deputy-Warden, would not suffer them to take away the Corps, unless they would first pay and discharge the said *Mr. Buck's* Fees, and Chamber-Rent, due to him the said Warden; which being absolutely refused, the said *Mr. Guybon* seized the Goods in the deceased's Chamber, and carry'd several of them to his own House (as I suppose, being taken away by the Warden's Servants) still insisting that the Corps should not be carried out, till *Mr. Buck's* Fees and Chamber-Rent were paid; upon which *Mrs. Hester Besbidge* was forced to pay him Ten Guineas as Fees and Chamber-Rent due from the deceased, a Receipt for which, under the Hand of the said Deputy-Warden, this Deponent hath seen; and without Payment thereof, he would not suffer the Corps to be carried out to be bury'd. And this Deponent further saith, That he hath been a Prisoner two Years in the said Prison, during which Time he hath never seen, nor heard, that the Warden, or any for him, ever made any Distribution of the Legacies and Bequests to the said Prisoners, or to any of them. But this Deponent saith, That he hath frequently heard, and been informed, That there are considerable Legacies and Bequests belonging to the said Prison and Prisoners, though they receive no Benefit thereof: But if they could have and obtain the same, it would in a great Measure support them, as this Deponent hath often heard, and been told. And this Deponent further saith, That no Table, or Account, of any such Charities and Bequests, are hung up any where in the said Prison; though this Deponent hath heard, that there is a Law in Force, directing the Warden so to do, that such Charities may not be concealed, nor the poor Prisoners be defrauded thereof by the Warden, or any of his Officers.

Jur. apud. Prison de le Fleet
31 die Octobr. 1726.

William Gardner.

Coram R. BRADSHAW, un. Com.

N^o. XV. *Thomas Farrington.*

THOMAS FARRINGTON, now a Prisoner in his Majesty's Prison of the Fleet, maketh Oath, That on or about the 17th Day of August, 1724. that one *James Richmond*, then a Prisoner in the Master's-Side of the Fleet departed this Life; and his Relations having sent in a Coffin and Burying-Cloaths, in order to bury him at their Expence; but the Deputy-Warden, *Mr. Thomas Guybon*, refused to deliver the Corps to his Grandfather *Wallinger*, until he had paid him such Fees and Chamber-Rent as, he said, was due to him from the deceased; and which Sum, he demanded, was Ten Pounds five Shillings, as he, this Deponent, verily believes, and was informed thereof by *Samuel Hawks*, Tinman, who was present when the said Grand-Father paid the same; upon which the said *Mr. Guybon* then permitted him to take away the said Corps. And this Deponent further saith, That one Captain *Billup*, a Prisoner in the Fleet, on the Master's-Side, dy'd on or about May, 1724. when his Friends sent him in a Coffin and Burying-Cloaths to be bury'd in, and by them, at their Expence. But the aforesaid *Mr. Guybon*, the Deputy-Warden, would not suffer his said Friends to take the Corps away, unless they would pay him such Fees, and Chamber-Rent, as he alleded was due to him from the deceased: But his said Friends absolutely refused such Payments; and as the Corps was going out at the Prison-Gate, the said *Guybon*, or his Servants, stop'd and detained the same, demanded the deceased's Fees and Chamber-Rent, as he said, was due to him, to be first paid, and demanded Ten Pounds, or Guineas, which the Relations were forced to pay him, after he had so detained the Corps at the inside of the Gate for near two Hours, although a Coach, or Coaches, stood at the Prison-Gate of the Fleet, with a Hearse, to

carry away the same. And this Deponent further saith, That in the Month of October, 1724. one *Mr. Middleton*, a Prisoner on the Master's-Side, departed this Life; and after the said *Mr. Guybon* had compelled his Wife, or Brother, to pay him all his Fees, and Chamber-Rent, he then gave them leave to take away and bury the said Corps; but as the Bearers came to the Gate, to fetch away the said Corps, *Mr. Jones*, the then Turnkey, would not permit the said Bearers to take away the said Corps, until they had paid him two Shillings and six Pence, which he demanded as his Fees; and accordingly *Mrs. Middleton*, wife of the deceased, sent the two Shillings and six Pence by him, this Deponent, which he paid accordingly to the said *Jones*, who declared, that the Warden bid him insist on his said Fees; and then the said Corps had liberty to be carried forth. And this Deponent further saith, That on or about the Month of January, or February, 1724. one *Mr. Presland*, then a Prisoner on the Master's-Side of the Fleet Prison, departed this Life, and his Friends, or Relations, sent him in a Coffin and Burying-Cloaths, in order to bury him at their own Expence: But *Mr. Guybon*, the Deputy-Warden, refused to let them have the Corps to bury, unless they would pay him the Fees and Chamber-Rent, which, he said, was due to him from the deceased; which, because they could not perform, the Warden bury'd him in the common Burying-place, whereupon the Wife, or some other Relation, procured an Order from the Parish of St. Bridget's, to take up and deliver the said Body to his said Relations, or Friends, to have other Burial; which Body was delivered accordingly, as this Deponent has heard, and verily believes to be true.

Jur. apud Prison de le Fleet, T. Farrington.
31 die Octobr. 1726.

Coram R. BRADSHAW, un. Com. &c.

N^o. XVI. *Thomas Evans.*

THOMAS EVANS, of the Parish of St. Andrew's Holbourn, Yeoman, maketh Oath, That he was a Prisoner in the Common-Side of the Fleet Prison, for above three Years, to the Time of his being discharged by the late Insolvent Act; during which Imprisonment he never saw, nor heard, of the Distribution of any Legacies or Bequests to the said Prisoners, by the said Warden, or any for him. But this Deponent saith, That he hath frequently heard, and been informed, that there are very considerable Annual Charities and Donations belonging to this Prison; which if the Prisoners had the Benefit of, would go a great way towards their Support and Maintenance. And this Deponent further saith, That he this Deponent, when a Prisoner, was a Servant to, and attended upon *Capt. Christopher Billup*, a Prisoner on the Master's-Side, who in or about the Month of May, 1724. departed this Life; and his Relations sent in a Coffin and Burying-Cloaths, in order to take away his Corps, and bury him as they thought fit: But *Mr. Thomas Guybon*, the Deputy-Warden, refused them the said Corps, unless they would first pay and discharge what Chamber-Rent and Fees was due and owing from the deceased to the said *Mr. Guybon*, which they absolutely refused to do; and as the Corps was carrying through the Gate of the Prison, the Deputy-Warden, and his Servants, stop'd and detained it, and declared, he would first be paid his Fees and Chamber-Rent: And after the Corps had been thus stop'd and detained above two Hours (whilst the Hearse and Mourning-Coaches, with his Relations, were waiting all the Time without the Gate) his said Relations were forced, at last, to comply with the said Warden's Demands, and to give him Ten Guineas, or Ten Pounds, for the Purchase of the said dead Body, and to procure the Liberty to bury it themselves.

Jur. vicesimo nono die Octobr. 1726. apud Serjeants-Inn, in Chancery-Lane. The Mark of *Thomas Evans.*

Coram ALEX. DENTON.

N^o. XVII.

N^o. XVII. *John Ralphs, and Nathaniel Cooksey.*

JOHN RALPHS, and **Nathaniel Cooksey**, both Prisoners in the Ward, or Common-Side of the Fleet-Prison, do severally make Oath; and first, the said **John Ralphs**, for himself saith, That he hath been a Prisoner in the said Prison near two Years, during which Time he never heard that any Charity-Money was distributed amongst his Fellow-Prisoners on the Common-Side, by the Warden, or any for him; though he hath heard, and been frequently informed, that many Legacies and Bequests, to a considerable Value, have been given to the said Prison; and that a great Part thereof belongs to the Common-Side. And the said **Nathaniel Cooksey**, for himself saith, That he hath been a Prisoner in the said Prison near a Year, during which Time he doth not remember to have heard, or seen, any such Charity-Money paid, or distributed, as aforesaid, to the Prisoners, or any of them. And the said **John Ralphs**, and **Nathaniel Cooksey**, both do make Oath, That for near a Year last past, they have been employed by the Prisoners on the Master's-Side, to wash and cleanse the House, Galleries, Yards, Back-sides & Bog-houses; as also to provide Lamps and Oyl for the Lighting the said Galleries, for which the said Prisoners on the Master's-Side make a Collection, and pay us for our Services, which generally amounts to about Ten Shillings per Week.

*John Ralphs, Jur. apud Prison
de le Fleet, 31 die Octob. 1726.*

*John Ralphs.
Nath. Cooksey.*

Coram R. BRADSHAW, un. Com. &c.

*Affirmat. per Nathaniel Cooksey,
apud prison de le Fleet, 31
die Octobr. 1726.*

Coram R. BRADSHAW, un. Com. &c.

N^o. XVIII. *Robert Nalton.*

ROBERT NALTON, now a Prisoner in the Custody of the Warden of the Fleet, makes Oath, That he was employed by the several Gentlemen now Prisoners in the Fleet Prison, to repair the Galleries and Hall of the said Prison; and as this Deponent hath been informed, that the Gentlemen applied to Mr. **Thomas Guybon**, Deputy-Warden of the said Prison, frequently demanding of the said Mr. **Guybon**, the necessary Reparations of the said Hall and Galleries, but without Effect; he, the said Mr. **Guybon**, absolutely refusing so to do. This Deponent further says, That the Prisoners having collected Money among themselves, have repaired the said Hall and Galleries at their own proper Costs, they being in a ruinous Condition; and that this Deponent hath received of the said Prisoners the Sum of two Pounds fourteen Shillings, in Part of the said Reparations. And further this Deponent saith not.

*Jur. apud le Fleet Prison,
secundo die Julii, 1726.*

Robert Nalton.

Coram R. BRADSHAW, un. Com. &c.

N^o. XIX. *David Boyes, James Collett, James Cavenaugh, and John Sellers, Gent.*

DAVID BOTES, **James Collett**, **James Cavenaugh**, and **John Sellers**, Gent. and Prisoners on the Master's-Side of the Fleet-Prison, severally make Oath, That the Windows of the said Prison are very much out of Repair, whereby the Prisoners are greatly exposed to cold, and their Healths much endangered thereby. And these Deponents further say, That the Walls of the several Galleries in the said Prison, were so broke down and decayed, and were grown so nasty and offensive, that they applied to Mr. **Guybon**, the Deputy-Warden, to re-

pair the said Walls, and to Whitewash the same, to take away the Stench and Nastiness thereof, which he refusing to do, the Prisoners, in regard to their Health, was obliged to make a Collection amongst themselves for Mending, Plaittering, Cleaning and Whitewashing the Master's-Side of the said Prison. And these Deponents farther say, That the Prisoners are also obliged, at their own Expence, to cleanse the House and Galleries, Passages and Yards, Drains and Gutters, as also the necessary-Houses, and to carry the Soil to the Common Lay-stall, besides Lighting of the Galleries, for which the said Prisoners employ two Persons Weekly, and pay them about Ten Shillings per Week. And these Deponents further say, That the said Lay-stall, consisting of the Soil and Filth of the Prison, is grown so bulky, having not been removed for above six Months, that the Stench thereof is so great and offensive, especially on the least change of Weather, that as these Deponents apprehend, the whole House is in danger of being infected thereby, though Mr. **Thomas Guybon** has been often desired, and wrote to in the strongest Terms, to take it away, but all to no Purpose; and what adds to the Danger of such Infection is, that the Necessary-Houses are full, and adjoin to the said Lay-stall, which, together, is judged to be, at least, Sixty Tons of stinking Soil: And these Deponents cannot apprehend any Reason for his not removing the same, unless it be that the Dung may be the rottener, and so fetch him the more Money; or to bring a Contagion among the Prisoners.

*Jur. apud Prison de le Fleet,
5 die Novemb. 1726.*

*D. Boyes.
James Collett.
Jam. Cavenaugh.
John Sellers.*

Coram R. BRADSHAW, un. Com. &c.

N^o. XX. *George Male.*

GEORGE MALE, now a Prisoner in the Custody of the Warden of the Fleet, makes Oath, That on or about the beginning of November last, this Deponent was brought by Habeas Corpus from the King's-Bench Prison (where he was then a Prisoner) to be surrendered to Bail given for him in the Common-pleas, and was accordingly surrendered to the Fleet-Prison, where he paid, as a Commitment-Fee to the Warden, the Sum of two Pounds, six Shillings and four Pence. And this Deponent saith, That notwithstanding his Payment of his Commitment-Fee, as aforesaid, the said Warden extorted from him also the Sum of two Pounds and eight Shillings as a Surrender-Fee; so that this Deponent hath paid for one Commitment, by way of Fee to the said Warden, the Sum of four Pounds fourteen Shillings and four Pence. And this Deponent farther saith, That he paid, during all the Time of his continuance in the said Fleet-Prison, the Sum of two Shillings and ten Pence per Week for Chamber-Rent, though the Furniture was his own; and further saith not.

*Jur. apud le Fleet Prison,
secundo die Julii, 1726.*

George Male.

Coram R. BRADSHAW, un. Com. &c.

N^o. XXI. *James Agnew, Robert Harris, and Isaac Roberts.*

JAMES AGNEW, **Robert Harris**, and **Isaac Roberts**, Prisoners in his Majesty's Prison of the Fleet, jointly and severally make Oath; and first, **James Agnew** deposeth, That he hath been a Prisoner nine Weeks, all which Time he hath paid two Shillings and six Pence per Week for his Lodging to another Prisoner, otherwise he must have lain upon the Boards, altho' several Rooms were lock'd up; notwithstanding all which, the Warden always demands the same Rent as if he had a single Room. And this Deponent further saith, That some part of the Time they have lain four in a Room. **Isaac Roberts**, and **Robert Harris**, make Oath, That there are several Rooms lock'd up, and that they three lie in one Room. And further

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XVII.

ther these Deponents say, That they have no Table of Fees or Lagacies hung up in the said Prison. And further say, The Prison is kept Clean at the Expence of the Prisoners.

Jur. per Jacobus Agnew, per Isaac Roberts, 2 die Julij, 1726. apud le Fleet Prison.

Ja. Agnew. Isaac Roberts.

Coram R. BRADSHAW, un. Com. &c.

N^o. XXII. *Anthony Frankling.*

ANTHONY FRANKLING, now a Prisoner in the Fleet, maketh Oath, That he, this Deponent, was committed a Prisoner to the Fleet-Prison on the 17th Instant November, and Mr. Guybon did take for his Commitment-Fee the Sum of two Pounds six Shillings; and Mr. Fitch, who acts as Clerk of the Enquiries, also did take Ten Shillings and six Pence, under Pretence of getting this Deponent the Liberty of the Rules; which Money when they had obtained, they turned this Deponent into the Goal on the Common-Side, where he has laid on the Boards ever since. And this Deponent further saith, That he, this Deponent, did apply himself to Mr. Guybon, who acts as Deputy-Warden, as this Deponent is informed and believes, for Relief of the Abuses; but could get none, tho' this Deponent at present is in great Want, and has a Wife and four Children.

Jur. apud Prison de le Fleet, 20 die Novemb. 1724.

Anthony Frankling.

Coram S. HARRIS, un. Com.

N^o. XXIII. *Major Wilson, Charles Relfe, and Henry Comper, Gent.*

MAJOR WILSON, Charles Relfe, and Henry Comper, Gent. Prisoners in his Majesty's Prison of the Fleet, jointly and severally maketh Oath, And first, this Deponent Major Wilson, for himself maketh Oath, That about the 28th of October 1723. he was sent for into the Lodge by Mr. Guybon the Warden of the Fleet, and from thence removed with a Habeas Corpus, through Malice, as this Deponent verily believes and was informed, because he was endeavouring to have Justice done him and other Fellow Prisoners from the Warden; and this Deponent says, He brought his Habeas to remove himself back again into the Fleet, it being allowed by Mr. Justice Tracey, but was no sooner brought into the Lodge belonging to the said Prison, but they lock'd too the Inner-Door, and would not suffer this Deponent to go into the Innside of the said Prison, there being then in the Lodge some of the Warden's Servants, viz. John Head Turnkey, Mr. Pinder Turnkey, Richard Bishop Tiptaff, and Samuel his Servant, whom they sent for, and there in the Lodge Richard Bishop took this Deponent by the Breast and puncht him several Times against the Waincot, and afterwards pulled him from thence, and there the said Bishop, and others, struck at this Deponent, and threw him on the Ground, and this Deponent says, He gave them no Manner of Provocation, but desired to be let into the Prison, and hoped they would not murder him; but this Deponent says, they still deny'd him Entrance into the Prison; and Bishop, swore would be revenged on him, and immediately pusht him into another Room in the Lodge, and Richard Bishop with his Cane pusht at this Deponent's Breast, and also, at his Face, and swore, Dam him if he had a Sword he would run it into this Deponent's Heart's Blood, or Words to that Effect. And this Deponent further says, and verily believes, had not one Mr. Townshend and Mr. Bigsby been there, who cry'd out, and bid them forbear, that they would have murdered this Deponent. And this Deponent Charles Relfe, for himself maketh Oath, That having agreed with the said Mr. Guybon for the Rules of the said Prison, and paid him his Dues and Demands for the same, he, this Deponent, had not long enjoyed such Liberty before he was

again lockt up, and soon after put into Chains and caused to be carried into a dark Room, or Dungeon, belonging to the Common-Side of the said Prison, called the Lyons-Den, where this Deponent was stapled down to the Floor in his Chains; after which, one Thomas Pitt, Nephew to the said Mr. Guybon, as this Deponent hath been since informed, came to the said Dungeon, with John Head, a Turnkey, and assaulted this Deponent with a Stick or Cane, and broke this Deponent's Head; and this Deponent was also, for want of length of Chains to retire from such Insult, pusht, or thrown, with his Back against some Boards like those in Barraks, whereby this Deponent was very much bruised in the small of the Back and Lains, and for Preservation of Health was let Blood immediately in his Chains. And this Deponent further saith, That, notwithstanding he is an infirm Person, having but one Arm, and had been treated with the Barbarity aforesaid, yet he the said Mr. Guybon, altho' due Application was made to him for that Purpose, not only denied this Deponent to be permitted the Liberty of easing Nature, but also caused him to be so, as aforesaid, confined for about the Space of Twenty six Hours, on Purpose, and with Intent, as this Deponent then conceived, and hath great Reason to believe, to impose on and extort Money from him this Deponent. And this Deponent Henry Comper, maketh Oath, That he was actually present, and did see the said Charles Relfe assaulted and beaten in Manner as aforesaid, and that he was blooded for the Preservation of Health, and confined in Chains for the Space aforesaid,

Jur. apud Prisonem de le Fleet, 20 Novemb. 1724.

Major Wilson. Cha. Relfe Hen. Comper.

Coram S. HARRIS, un. Com. &c.

N^o. XXIV. *Joseph Jennings,*

JOSEPH JENNINGS, now a Prisoner on the Master's-Side of the Fleet, maketh Oath, That he, this Deponent, sometime since being committed to the Prison of the Fleet, was detained at a Spunging-Houle called the Vine, within the Rules of, and adjoining to the said Prison, and this Deponent did there agree with Mr. Guybon for the Liberty of the Rules of the said Prison, for which the Deponent paid him the Sum of Eleven Pounds; and also paid the Clerk of the Inquiries the Sum of Twenty Shillings more, or thereabouts, for enquiring into the Validity of this Deponent's Security for the Rules; and no sooner had this Deponent paid that Money, but he, the said Mr. Guybon, demanded Four Pounds ten Shillings more of this Deponent for his Commitment-Fees, which this Deponent also paid him; after which, he, the said Mr. Guybon, made a further Demand on this Deponent of the Sum of three Shilling and Sixpence per Week for his, this Deponent's Lodging at the said Spunging-Houle, which this Deponent was likewise compelled to pay, notwithstanding he paid Mrs. Whitwood, who keeps the said House, seven Shillings a Week for his said Lodging, over and above the said three Shillings and six Pence, which he also paid Mr. Guybon, as aforesaid, upon the same the same Account. And this Deponent further saith, That soon after the said Mr. Guybon had got all this Deponent's Money he turned him into the said Prison of the Fleet, and keeps both this Deponent's Money, and the Security-Bonds which this Deponent gave him for the Liberty of the Rules; and this Deponent further saith, That by Reason of the great Expences he was put to, as aforesaid, by the said Mr. Guybon, together with his being refused the Liberty of the Rules after he had paid for them, and also by Reason of his being so abruptly turned into the said Prison by the said Mr. Guybon, he this Deponent is reduced to the utmost Extremity, and in Danger of perishing for want of Bread, and other Common Necessaries of Life.

Jurat. apud Prisonem de le Fleet, 20 Novemb. 1724.

Joseph Jennings.

Coram S. HARRIS, un. Com.

N^o. XXV. *James Thomson of London, Merchant,
and Peter Scott.*

JAMES THOMPSON of London, Merchant, and **Peter Scott**, now Prisoners in his Majesty's Prison of the King's Bench, jointly and severally make Oath; and first, this Deponent *James Thompson* maketh Oath, That he, this Deponent, was on or about the 6th Day of Feb. 1719. charged in Execution in his Majesty's Court of Common-Pleas, at the Suit of *Susanna Edwards* Widow; for the Sum of 678 L. and 20 L. more for Costs of Suit, and was thereupon committed to the Prison of the Fleet. And this Deponent further saith, That on or about the 14th of Jan. 1721. the said *Susanna Edwards* was, by Virtue of his Majesty's Writ of *Special Copias Utlagatum*, waved in London, at the Suit of *Stephen Perry*, Merchant, for the Sum of 12213 L. and upwards; and on or about the 8th of Feb. 1721. a Writ of Inquisition was executed against the Goods and Chattels, Lands and Tenements of the said *Susanna Edwards*, at which Time the said Judgment for 678 L. and 20 L. for Costs of Suit obtain'd as aforesaid by the said *Susanna Edwards* against this Deponent, was found as Part of her Estate, and seiz'd into his Majesty's Hands accordingly. And this Deponent further maketh Oath, That on or about the 21st of November 1722, the said *Stephen Perry* executed a Writing, whereby he intended this Deponent should be discharged out of the Fleet. And this Deponent further saith, That on or about the 2d of October last, one *George Welland*, who calls himself an Attorney, did, as this Deponent verily believes, by the Direction and Order of *Thomas Guybon*, Deputy-Warden of the Fleet, but without the Privy or Consent of the said *Stephen Perry*, at whose Suit the said *Susanna* stands waved as aforesaid, or without the Consent of this Deponent, bring an *Illegal Corpus* and remove this Deponent to his Majesty's Prison of the King's Bench, by virtue of a Power given him the said *Welland*, as he falsly pretends, by the said *Susanna Edwards*, who, as this Deponent is credibly informed, and verily believes, had no legal Power or Authority so to do, being disqualified for taking out any Process at Law against this Deponent, as she stands waved. And this Deponent further saith, That as he was formerly charged in Execution at her Suit in the Court of Common-Pleas as aforesaid, he, this Deponent, is informed and believes, that if she had not been afterwards waved as aforesaid, she could not legally remove him to the King's Bench, in which there is not any Process whatsoever depending against him this Deponent. And this Deponent, *Peter Scott*, for himself maketh Oath, That he being sometime past a Prisoner in the Fleet, was on or about the 16th Day of June last, removed from thence by *Habeas Corpus* to the King's Bench by the Order and Direction of *Mr. Guybon*, Deputy-Warden of the Fleet, and not by the Order or Consent of any of this Deponent's Plaintiffs, as he verily believes. And this Deponent further saith, That he really believes the Cause that induced the said *Mr. Guybon* so to remove this Deponent was, because this Deponent had petitioned the Rt. Honourable Sir *Peter King* to be restored again to the Charity in the Fleet-Prison, from which he had been illegally excluded by one *John Head*, one of the Turnkeys of the said Fleet-Prison, and calls himself Steward of the said Charity; and because this Deponent was willing to do himself Justice, and detect the Frauds and Mismanagement of the said Charity, which are connived at, if not encouraged by the said *Mr. Guybon*. And this Deponent being thus removed to the King's Bench by the Authority alone of the said *Mr. Guybon*, continues there still in a very wretched and miserable Condition.

vera Copia. *Ja. Thompson.
Peter Scott.*

N^o. XXVI. *Barbara Bush.*

BARBARA BUSH Wife of *John Bush*, and now a Prisoner in Woodstreet-Compter, London, maketh Oath, That she was within this two Months a Prisoner in the Fleet-Prison, at the Suit of *Susan Crispe* for four Years last past; and upon her Application to the said *Susan Crispe*, the said *Susan*

Crispe was so kind as to write a Letter, or Note directed to *Mr. Huggins*, Warden of the said Prison, and in his Absence to his Deputy, therein desiring, That she, this Deponent might have the Liberty of the Rules of the said Prison, there being no other Action against her; and that the said *Susan Crispe* did thereby promise to indemnify him, and take no Advantage of any Escape, &c. which said Letter or Note *Mr. Huggins* was made acquainted with, and the same was shown to *Mr. Guybon*, but he would not receive it. And further saith, That she, this Deponent, did several Times apply to *Mr. Guybon* for a Day-Rule, but was always denied; and during the Time she was a Prisoner there, she was very grossly abused and affronted, and by some Persons that were likewise Prisoners; upon which she made her Application to *Mr. Huggins* for Redress, but found no Relief; but instead of that, *Mr. Huggins* did himself Order, as she is informed, and verily believes, her Chamber-Door to be broken open after ten a-Clock at Night, in order to receive a raving Mad-woman (and a Common-Woman of the Town) to be her Bed-fellow, when there were several Rooms empty, as she this Deponent very well knew. And this Deponent further saith, That she had for above two Years a Woman Bedfellow in a Room on the Master's Side of the said Prison, and for the remainder of the Time above-mentioned, she had a Room to herself on the Common-Side. And further saith, That *Mr. Guybon* one Day sent for her where she lay on the Common-Side, which she thought was in order to give her her Liberty, as she was then informed, but *Mr. Guybon* told her, That she was indebted to him and *Mr. Huggins* in the Sum of thirty Pounds for Chamber Rent, which was a great Surprise to her, being satisfied she did not, nor could owe them near so much; thereupon presently after that, *Mr. Guybon* ordered her to be carried to a Spunging-House adjoining to the said Prison, where she was kept confined for two Days and two Nights; and then a Sergeant was brought into the said House, and arrested her. And further saith, That both *Mr. Huggins* and *Mr. Guybon* demands of her for Chamber-Rent two Shillings and ten Pence per Week, tho' all the Time she laid with another Woman, who was also to pay the like Sum per Week. And further saith, That *Mr. Guybon* demanded the like Sum during her being on the Common-Side, otherwise the Sum could not amount to the Sum mentioned. And this Deponent further saith, That she sent to her Plaintiffs, *Susanna Crispe*, to know if she had discharged her; and that the said *Susanna Crispe* sent her Word, That *Mr. Guybon* had sent her Word several Times, and pressed her very much to discharge this Deponent, for that this Deponent was in a starving Condition; and if she would do it, that as there was Charity-Money to be given to the Prisoners, he would take that Part that was to be given to this Deponent for what was due to him, and he would thereupon give her, this Deponent, her Liberty; to which she, the said *Susanna Crispe*, did readily agree, and this Deponent was thereupon accordingly discharged; but this Deponent was hardly set at Liberty, but *Mr. Guybon* caused her to be arrested in the Spunging-House, at this Suit, for the Sum of thirty Pounds due to him for Chamber Rent; and for want of Bail she was obliged to be a Prisoner in Woodstreet-Compter, where she now is, at the Suit of the said *Mr. Huggins* and *Mr. Guybon*, as she is informed, in a very poor starving Condition.

*Jur. apud Woodstreet-Compter. XXX Barbara Bush.
London decimo nono die No-*

vember, 1724. **N^o. XXVII. *Capt. John Stanhope, and James Collett, Esq; John London, and Nicholas Comer, Gent.***

CAPT. John Stanhope, and James Collett, Esq; John London, and Nicholas Comer, Gent. Prisoners in the Fleet-Prison, make Oath, and first, *John Stanhope* maketh Oath, That *Mr. Lane*, Clerk to *Mr. Hyde* (who is Clerk of the Papers, did demand and take three Shillings and six Pence for a Copy of his Writs; and in-

ed on it as his Master's just Fees. *James Collett* maketh Oath, That the Turnkeys demand a Shilling for each Declaration they deliver to a Prisoner; and that this Deponent pay'd seven Shillings and six Pence at one Time to *James Bouch*, which he demanded for his Father's Fees, who is Turnkey, for Declarations delivered to this Deponent. And *John London* maketh Oath, That the said *Bygrave*, Clerk of the Papers, demanded four Shillings and ten Pence for a Copy of his Causes and Certificate, and would not take less than four Shillings and six Pence, which this Deponent was obliged to pay, although he had but three Actions against him. And *Nicholas Comer* maketh Oath, That his Attorney charges him Ten Shillings and six Pence for a Fee given to Mr. Corbett the Tipstaff, he having demanded and insisted on the same as his legal Fee; for bringing this Deponent from Mr. Justice Tracy's Chambers to the Fleet-Prison.

Jurat. apud Prison de le Fleet, 31 die Octobris, 1726. *John Stanhope, James Collett, John London, Nich. Comer.*
Coram R. BRADSHAW, un. Com. &c.

N^o. XXVIII. *Henry Wilson.*

HENRY WILSON, of *Middlesex*, Cabinet-Maker, maketh Oath, That in May last, he being Defendant in a Cause, at the Suit of *John Duntun*; and notice of Tryal being given, was obliged to bring a *Habeas Satisfaciend.* to take out of the Fleet-Prison *Major Wilson*, and *John Gadbury*, they being material Witnesses for the said Defendant in the said Cause. And this Deponent says, The said *Habeas* was signed by Mr. Justice Denton, and that he gave the same to Mr. Robert Bygrave, Clerk of the Papers, for to make a Return of the same; and paid the said Bygrave for such Return, according to his Demand; but no sooner the said Bygrave had got this Deponent's Money and *Habeas* into his Hands, refused to make any return of the same. And this Deponent farther says, he went several Times and spoke to Mr. Thomas Gaybon, Deputy-Warden of the Fleet, and desired, that he would make a Return of the said *Habeas*, that might carry up the abovesaid Witnesses to *Westminster*, or it would be his Ruin, for the Cause was for coming on that Afternoon. But this Deponent says, That the said Mr. Gaybon gave him for Answer, That he would not Obey the said *Habeas*, nor any other *Habeas* he, this Deponent, brought; or Words to the like Effect. And notwithstanding no Return being made of the said *Habeas*, yet they keep this Deponent's Money that he paid the said Bygrave for Returning the said *Habeas*, altho' he hath often demanded the same.

Jurat. 31 die Octobris, 1726. *Henry Wilson.*
apud Serjeants-Inn, in Chancery-Lane.

Coram ALEX. DENTON.

N^o. XXIX. *Anthony Shelverton.*

ANTHONY SHELVERTON, Butcher, now a Prisoner in the Rules of the Fleet-Prison, maketh Oath, That he hath been a Prisoner, in the Prison and Rules, about Ten Years; and that in some short Time after he was committed, he purchased the Liberty of the Rules of the then Deputy-Warden, who, to the best of his Memory, was Mr. Stone, who always demanded half a Guinea Annually; but his Successor demanded, and obliged him to pay one Guinea per Annum: but Mr. Gaybon, the present Deputy-Warden, not content with so small Sums, demanded and received five Guineas at one Time, which he pretended was for the Minister, and did acknowledge the Receipt thereof before Sir George Cook, when he heard the Complaints of the Prisoners; and was by him ordered to return the said five Guineas so extorted from this Deponent; but he, the said Gaybon, hath never yet done it. And this Deponent farther saith, That

about a Month ago, the aforesaid *Gaybon* demanded other five Pounds, which for fear of being lock'd up in the Prison, this Deponent was obliged to agree to, and hath paid two Pounds in Money, and gave a Note of his Hand for three Pounds more, payable in three Months.

Jur. 1 die Novembris, the Mark of
1726. *Anthony Shelverton.*
Coram R. PRICE.

N^o. XXX. *Daniel Woodcock, Thomas Paine, and Gershom Flowerree.*

DANIEL WOODCOCK, late of *Gray's-Inn* in the County of *Middlesex*, but now a Prisoner in his Majesty's Fleet; and *Thomas Paine*, late of the Parish of *St. Andrew's Holbourn* in the said County of *Middlesex*, Gent. and also a Prisoner in the said Fleet-Prison; and *Gershom Flowerree*, late of *St. Sepulchers London*, Surgeon, but now a Prisoner in the Fleet, jointly and severally make Oath; *Imprimis*, the said *Daniel Woodcock* for himself maketh Oath, That he this Deponent was, on the 4th Day of this instant *November*, sitting by the Fire in the Tap-House of the Fleet, and one *James Barnes*, who is one of the Warden's Watchmen, came to this Deponent, and used him in very threatening and insulting Language, at which this Deponent went away, and said not a Word to the said *Barnes*, notwithstanding which the said *Barnes* followed him, this Deponent, near the space of ten Yards, and struck him, this Deponent, with his doubled Fist, and almost knocked him this Deponent to the Ground, at which this Deponent asked him the Reason Why he used him so? To which his the said *Barnes*'s Answer was, He would broil him, this Deponent, behind the Fire. And this Deponent has oftentimes, before and since, been threatened and insulted by the said *Barnes*, and is very much afraid of his Life, the said *Barnes* using often a Knife in his Hand, swearing he will rip People up. And this Deponent *Thomas Paine* for himself maketh Oath, That the said *James Barnes* did, on the 6th of this instant *November*, insult and abuse him this Deponent, and threatened to wring his Neck off, and has oftentimes before insulted him this Deponent; and he this Deponent sent a Letter to Mr. Gaybon, who acts as Deputy-Warden, to acquaint him of the said Abuses; but received no Answer to the same. And this Deponent *Gershom Flowerree* for himself maketh Oath, That the said *James Barnes* did, on the 5th of this instant *November*, take hold of this Deponent about the Arms, and pinch'd him, this Deponent, in several places, and pulsed him up and down, saying, he the said *Barnes* would knock his, this Deponent's Brains out; and had oftentimes, before and since, threatened and insulted him this Deponent with a drawn Pen-knife, saying, He would cut his Guts out; and did cut this Deponent's Waistcoat and Shirt, with a Design, as this Deponent believes to kill him this Deponent; and this Deponent cannot be at quiet for the said *Barnes*, who makes this Deponent go in danger of his Life, as he verily believes.

Jur. apud Prison de le Fleet, 20 die Novemb. 1726. *Daniel Woodcock, Thomas Paine, Gershom Flowerree.*
Coram S. HARRIS.

On the Behalf of the Prisoners in the Fleet.

In Comuni Banco.

N^o. XXXI. *John Jesse, John Ferriman, Charles Giles, and Thomas Paine.*

JOHAN JESSE, *John Ferriman*, *Charles Giles*, and *Thomas Paine*, Debtors confin'd in the Fleet-Prison, London; jointly and severately make Oath; and first this Deponent *Charles Giles* maketh Oath, That he this Deponent, making his Application some Time in last Term

Term to Mr. *Guybon*, then and now Warden, or Deputy-Warden of the said Prison, for a Day-Rule to go abroad upon a matter of Consequence to this Deponent; which said Day-Rule, the said Mr. *Guybon* told this Deponent should not be granted unless he, this Deponent, would find good Security to indemnify the said Warden thereupon: And this Deponent, not without great Difficulty, did find such Security as the said *Guybon* approved of, and thereupon had a Day-Rule, and did go abroad with a Keeper one Day; but that not being sufficient to compleat what Business he intended, this Deponent, within the said Term, desired another Day-Rule, with the same Security, which was deny'd him, whereby this Deponent failed meeting his Creditors, though they came according to their Promise, and his Appointment; which failure of meeting his Creditors this Deponent hath reason to believe was, and has proved of great detriment and disadvantage to him this Deponent, touching the attainment of his full Enlargement and Liberty. And this Deponent further maketh Oath, That upon giving Security, such as the Warden approv'd of; this Deponent had a Day-Rule last Wednesday; but was first obliged to pay five Shillings to the Warden, or one of his Clerks, for enquiring, as they pretended, into the Validity of such Security, and five Shillings more to a Keeper to go along with him, notwithstanding the said Security; together also with six Shillings more for the Rule itself, besides other Expenses upon such Keeper. And this Deponent *John Jesse* maketh Oath, That he, this Deponent, was deny'd a Day-Rule in Michaelmas-Term last by the said Mr. *Guybon*, unless he gave good Security for that Purpose, which was accordingly done; notwithstanding which Security so given and allowed, the said Mr. *Guybon*, obliged this Deponent to take a Keeper with him, upon the usual Expense. And this Deponent further maketh Oath, That the Table of Fees allowed by this Honourable Court to be taken by the Warden, hanging up in the Common-Hall of this Prison, was, about five Months ago, taken down by one of the Turnkeys, by the said Mr. *Guybon's* Order, under pretence of having it clean'd, and that the same should be hung up again in a short Time, which has not been done to this very Day. And this Deponent *John Ferriman* maketh Oath, That some Time in the last Term, intending to ask the said Mr. *Guybon* for a Day-Rule, went as far as the Gate for that Purpose, but was prevented by *Bailing*, one of the Turnkeys, who told this Deponent, That it was in vain to ask the Warden for a Day-Rule without Security. And this Deponent *Thomas Paine* maketh Oath, That he did last Term, and this Term, apply to the Warden for a Day-Rule; but was absolutely deny'd it, either with or without Security, or upon any Terms whatever; for want of which Day-Rule this Deponent is a great Sufferer, and often wants the common Necessaries of Life. And lastly, all these Deponents jointly make Oath, That the said Warden insisting upon Security for the Day-Rule is, to the major Part of the Prisoners, equally bad with his denying it upon any Terms whatever, by reason these Deponents verily believe, the major Part of the Prisoners are no ways able to find such Security.

Jur. 8 die Feb. 1723. apud le Fleet deponent. Prisoner. in eadem existend.

*John Jesse.
John Ferriman.
Charles Giles.
Tho. Paine.*

Coram me, SAMUEL HARRIS.

N^o. XXXII. Capt. James Martin.

JAMES MARTIN, late of St. Margarets Parish Westminster, and now a Prisoner on the Master's-Side of the Fleet-Prison, Gent. maketh Oath, That the Under-written is a true Copy of the Table of Fees, which this Deponent received to be hung up in the Hall of the said Prison; and which Mr. *Huggins*, Warden of the said Prison, by a Letter under his own Hand, in the Custody

of this Deponent, and dated the 25th March, 1726. doth aver to be Authentick. *Viz.*

FEES due and belonging to the WARDEN of the FLEET, and to his CLERK, for Prisoners committed by the Court of Common-Pleas, the Lord Chief Justice, or any of the Justices of the said Court; according to their Qualities.

To the WARDEN:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For the Commitment-Fee of an Archbishop, Duke, or Dutchess,	16	10	00
Of a Marquis, Marchioness, an Earl, a Countess, Viscount, or Viscountess,	11	14	04
Of a Lord Spiritual, or Temporal, or the Wife or Widow of a Baron, or Lord,	08	05	10
Of a Knight, a Lady the Wife of a Knight, a Doctor of Divinity, a Doctor of Laws, and others of the like Calling, &c.	03	13	04
Of an Esquire, Gentleman, or Gentlewoman, on the Master's-Side,	02	04	04
Of a Prisoner on the Wards, not taking Part of the Poor's Box,	01	05	04
To every Discharge.	00	07	05

To his CLERK.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For the Allowance of every Writ of Habeas Corpus, or Attachment,	00	02	04
For a Return of every Writ of Attachment, or Habeas Corpus where there is no Cause,	00	02	04
For the Return of the first Cause upon a Habeas Corpus cum Causa.	00	04	00
For the Return of every other Cause,	00	02	00
For Allowance of every Superseas, or other Discharge,	00	02	04

*Jur. apud Prison le Fleet;
14 die Decemb. 1726:*

J. Martin.

Coram R. BRADSHAW, in Com. &c.

N^o. XXXIII. *Sylvanus Edwards, Anthony Franklin, and John Sheppard.*

SYLVANUS EDWARDS, *Anthony Franklin*, and *John Sheppard*, Prisoners on the Common-Side of the Fleet-Prison, severally make Oath; and first, *Sylvanus Edwards*, for himself saith, That he hath been detained a Prisoner about nine Months; the Deputy-Warden *Thomas Guybon*, and *John Bygrave*, Clerk of the Papers, about eight Months ago, refusing to return this Deponent's Habeas Corpus to the King's-Bench, to his great Damage; as is fully set forth in his former Affidavit. And this Deponent further saith, That since he hath been so detained, there never was any Table of Charities or Bequests set up, or to be seen in the said Prison; nor does he know of, or believe, that any Charities whatsoever have been given or distributed amongst any of the Prisoners whatsoever for nine Months last past, or before, that he hath heard or believes, or been informed, except that of the Leather-Sellers Company, notwithstanding that Mr. *Huggins's* Assertions to the Contrary, in his late Answer to the Prisoners Complaints. And this Deponent asked *Head*, the pretended Steward of the Charities, for a Sight of his Books; but he refused the same.

And

And the said *Anthony Franklin*, for himself maketh Oath, That he hath been a Prisoner on the Common-Side about nine Months, during which Time, he also saith, That he never saw such Table, as aforesaid, either hung up in the Prison or elsewhere; nor did he ever receive any Information thereof; nor did he ever see or hear of any Distribution of any Charity Money whatsoever, nor does he believe there ever was any, in his Time or before.

And the said *John Sheppard* also maketh Oath, That he hath been a Prisoner on the Common-Side of the said Fleet-Prison about twelve Months last past, during which Time, he never saw hung up in the said Prison, or elsewhere, any Table of Charities or Bequests, nor does he believe, there is any such in or about the said Prison; nor has there been a Distribution of any Charities whatsoever, to the Knowledge or Belief of this said Deponent, for twelve Months last past; but the said *Sylvanus Edwards*, *Anthony Franklin*, and *John Sheppard*, do jointly and severally make Oath, That they have often heard, and do believe, that there are many and large Gifts and Charities, of Right belonging to the said Prisoners; but that they are utterly deprived of the Benefit thereof.

Jur. apud. Prison de le Fleet. *Sylvanus Edwards.* 14 die Decembr. 1726. *Anthony Franklin.*

Coram R. BRADSHAW, un. Com. &c. Signed as of *John Sheppard.*

Coram R. BRADSHAW, un. Com. &c.

Nº. XXXIV. *William Day* Victualler.

WILLIAM DAY, Victualler, now a Prisoner in the Fleet-Prison, maketh Oath, That on or about the 30th Day of October, in the Year 1725, he became a Prisoner to the Fleet-Prison; and being at a Spunging-House adjoining to the said Prison, *Mr. Guybon*, the Deputy-Warden, sent *Mr. Hopkins*, Clerk of the Inquiries to this Deponent, to demand the Sum of two Pounds six Shillings and eight Pence for a Commitment-Fee, which he insisted on as his Due, and accordingly this Deponent paid to *Mr. Bishop*, for the Use of *Mr. Guybon* the Deputy-Warden, the Sum of two Pound six Shillings and eight Pence, he refusing to abate the odd two Pence; and this Deponent saith, That in a few Days after, the aforesaid *Mr. Hopkins* came again to this Deponent and told him, That unless he would purchase the Rules of the said Prison, he must go into the Prison and be locked up; on which this Deponent purchased the Rules of the said *Mr. Guybon*, for two Guineas and a Half; which he paid to the said *Mr. Guybon*; and *Mr. Hopkins*, Clerk of the Enquiries, demanded, and took of this Deponent, one Pound and six Shillings, for filling up the Bond which his Security entered into; and five Shillings more on Pretence of enquiring in

to the Sufficiency of his Securities, which were accepted of by *Mr. Guybon* the Deputy-Warden; notwithstanding which, on the 27th Day of June last, is this Deponent was standing near the Fleet-Gate, the aforesaid *Mr. Guybon* called this Deponent to him, and immediately ordered one *Jones* to carry him, this Deponent, to the House of *Mr. Corbett*, a Tipstaff to the Court of Common-Pleas; (which is a Spunging-House near this Prison of the Fleet;) and there caused him to be lock'd up, where the aforesaid *Mr. Hopkins* came to him and demanded four Guineas more, for the said *Mr. Guybon*, the Deputy-Warden, which this Deponent not being able to raise, was after three Weeks Confinement there, turned into the Prison (altho' his Securities are still living, and in as good Circumstances as ever, or better) and where this Deponent now remains a close Prisoner, and can obtain no Relief, altho' he is not charged with any other Actions, then what he was charged with when he first became a Prisoner to the said Prison, which was on a Bond of one Hundred and Forty Pounds for the Payment of Seventy two Pounds.

Jur. apud le Fleet Prison. *William Day.* 14 die Decembr. 1726.

Coram R. BRADSHAW, un. Com. &c.

Coram R. BRADSHAW, un. Com. &c.

WILLIAM STEEL, now a Prisoner in the Fleet-Prison, maketh Oath, That he was moved by Habeas Corpus from Newgate Goal, in the County of Suffolk, and carry'd to Westminster on the 27th of April last past, where the Court of Common-Pleas was then sitting, and was by the said Court committed to the Fleet, and sent in Custody of a Tip-Staff, who carried him, this Deponent, to the Vine, a Spunging-House adjoining to the Fleet-Prison, where *Mr. Hopkins*, Clerk of the Inquiries to the Warden of the Fleet, and *Mr. Bishop* a Tip-Staff, often demanded three Pounds six Shillings and eight Pence as a Commitment-Fee; and also *Mr. Guybon*, Deputy-Warden, demanded the same of this Deponent; and on the 6th of May, this Deponent did pay to the aforesaid *Bishop* four Guineas, which he said was three Pounds six and eight Pence for the Use of the Warden, as aforesaid; and insisted, that there remain'd due to him the said *Bishop*, three Shillings and eight Pence more to make up a Guinea, which was his Fee as Tip-Staff; but this Deponent had it not to give him.

Jur. apud le Fleet Prison. *William Steel.* 14 die Decembr. 1726.

Coram me R. BRADSHAW, un. Com. &c.

Coram me R. BRADSHAW, un. Com. &c.

F I N I S.

Nº. XXXV. *James Martin*

JAMES MARTIN late of St. Margaret's Parish Westminster, and now a Prisoner on the Fleet-Side of the Fleet-Prison, Gent. maketh Oath, That the Under-written is a true Copy of the Table of Fees, which this Deponent received to be hung up in the Hall of the said Prison; and which *Mr. Martin*, Warden of the Custody Prison, by a Letter under his own Hand, in the Custody

